

WEDNESDAY, APRIL 20, 1994

EIGHTY-NINTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer and the Pledge of Allegiance by Rep. Wood.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 99

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

RECOGNITION

Rep. Crain requested to approach the well for recognition of Mrs. Bernice Kennedy, Nurse of the Legislative First Aid Station.

RECOGNITION

Rep. DeBerry requested to approach the well for recognition of Mr. Speaker Naifeh.

REPORT FROM SELECT COMMITTEES

Pursuant to TCA 3-15-204, the Select Committee on Children and Youth has submitted its 1994 Annual Report which is on file in the Clerk's Office.

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**REPORTS FROM STANDING COMMITTEES**

The committee that met on Wednesday, April 20, 1994, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for Wednesday, April 20, 1994: House Bill(s) No(s). 2260, 2746, 2760, 2761, 2834, 2158, 1580, 2443, 2621, 2387, 2118, 1761, 411, 2015, 2291, 2435, 2768, 1137, 1683, 1578, 2388, 2151, 988, 198, 2429, 256 and 2677; Senate Bill(s) No(s). 145; House Bill(s) No(s). 2767; also, House Joint Resolution(s) No(s). 461.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Wednesday, April 20, 1994: House Bill(s) No(s). 2107, 2520, 2370, 2372, 2902 and 2756; Senate Joint Resolution(s) No(s). 406; House Joint Resolution(s) No(s). 669; Senate Joint Resolution(s) No(s). 440, 505 and 298; House Joint Resolution(s) No(s). 657; House Resolution(s) No(s). 157; House Joint Resolution(s) No(s). 896, 610, 580, 667 and 707; House Resolution(s) No(s). 229; House Joint Resolution(s) No(s). 701; House Bill(s) No(s). 2908; also, House Joint Resolution(s) No(s). 565 and 519.

**BILL RETURNED**

The Clerk returned Senate Bill No. 2065 to the Senate, as requested.

**REGULAR CALENDAR**

**House Bill No. 1760 -- District Attorneys --** Entitles district attorney of 15th judicial district to additional secretarial position. Amends TCA 16-2-506.

Rep. Buck requested that House Bill No. 1760 be moved to the heel of the Calendar.

**House Bill No. 1688 -- District Attorneys --** Creates additional assistant district attorney general position for 22nd judicial district. Amends TCA 16-2-506.

Rep. Napier moved that **House Bill No. 1688** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 2791 -- Taxes, Real Property --** Revises qualifications of persons appointed to the assessment appeals commission. Amends TCA, Title 67, Ch. 5, Pt. 15.

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Rep. U. Jones moved that House Bill No. 2791 be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 2355 -- Hospitals and Health Care Facilities --** Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.

Rep. Purcell moved that House Bill No. 2355 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2355 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following new section:

A physician who is employed by any person, corporation, organization, or other entity has an affirmative duty to notify a patient of such employment relationship at the initial encounter and prior to treatment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Purcell requested that House Bill No. 2355 be moved down 25 places on the Calendar.

**House Bill No. 2094 -- Criminal Offenses --** Expands offense of parent knowing minor is in illegal possession of firearm on school or public property, to include standard of whether parent should have known; violation Class A misdemeanor. Amends TCA 39-17-1312.

Further consideration of House Bill No. 2094, previously considered on March 7, 21 and 23, 1994, at which time the House adopted Amendment No. 1, and the bill was reset to the Calendar for April 20, 1994.

Rep. Moore requested that House Bill No. 2094 be moved to the heel of the Calendar.

**House Bill No. 2661 -- Hotels and Restaurants --** Requires commissioner of health to promulgate rules establishing rights of innkeeper to refuse or deny accommodations to certain persons. Amends TCA, Title 68, Ch. 14.

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Further consideration of House Bill No. 2661, previously considered on April 14, 1994, at which time it was reset to the Calendar for April 20, 1994.

On motion, House Bill No. 2661 was made to conform with Senate Bill No. 2216; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 2216 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 2661 by deleting the word "or" from Section 3(a)(2), and by substituting instead the word "and".

On motion, Amendment No. 2 was adopted.

Rep. U. Jones moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend House Bill No. 2661 by adding the following new section immediately preceding Section 8 and by renumbering subsequent sections accordingly:

Section \_\_\_\_\_. Any innkeeper who refuses accommodation to any person in any lodging establishment pursuant to the provisions of this act shall notify the person so refused in writing of the reason for such refusal. Such innkeeper may use a standardized form to provide such notification.

Rep. Arriola moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	59
Noes. . . . .	27
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, Duer, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hassell, Haun, Head, Hillis, Huskey, Joyce, Kent, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Peroulas Draper, Phelan, Pinion, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce, Tindell, Venable, Walley, Whitson, Williams (Union), Winningham, Wix, Wood -- 59.

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Representatives voting no were: Armstrong, Brooks, Byrd, Chumney, Crain, DeBerry, Halteman Harwell, Herron, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, Miller, Odom, Owenby, Pruitt, Ramsey, Ritchie, Stamps, Thompson, Turner (Hamilton), Turner (Shelby), West, Westmoreland, Williams (Williamson), Windle, Mr. Speaker Naifeh -- 27.

Representatives present and not voting were: Kisber, Knight -- 2.

Rep. West requested that Senate Bill No. 2216 be moved down 8 places on the Calendar.

House Bill No. 2285 -- Human Rights -- Makes native Americans eligible to receive any benefit available to any other minority group. Amends TCA, Title 4, Ch. 34; Title 11, Ch. 6.

Further consideration of House Bill No. 2285, previously considered on April 14, 1994, at which time it was reset to the Calendar for April 20, 1994.

Rep. Ritchie moved that House Bill No. 2285 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2285 by deleting Section 1 in its entirety and substituting instead the following.

SECTION 1. Notwithstanding any other provision of law to the contrary, a Native American or an African-American is eligible to receive scholarships, grants or any other benefit afforded to minorities from the University of Tennessee system, the Board of Regents system, or any Tennessee school system. For the purposes of this act, "Native American" means an individual recognized as Native American by a federally recognized tribe or a state.

On motion, Amendment No. 1 was adopted.

Rep. Ritchie moved that House Bill No. 2285, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer),

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Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2116 -- Education --** Provides that legislative intent in education of handicapped children is to meet needs of children but no longer to maximize their capabilities. Amends TCA 49-10-101.

Further consideration of House Bill No. 2116, previously considered on April 14, 1994, at which time it was reset to the Calendar for April 20, 1994.

Rep. Haley requested that House Bill No. 2116 be moved to the heel of the Calendar.

**\*Senate Bill No. 2072 -- Public Defenders --** Creates one additional criminal investigator position and one reader for visually impaired attorney position for 11th judicial district. Amends TCA 8-14-202.

Further consideration of Senate Bill No. 2072, previously considered on April 14, 1994, at which time it was substituted for House Bill No. 2465; Amendment No. 1 was withdrawn; and the bill was reset to the Calendar for April 20, 1994.

Rep. Brown moved that Senate Bill No. 2072 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

**Senate Bill No. 2072** passed on third and final consideration by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer),

Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Givens, Joyce -- 2.

A motion to reconsider was tabled.

**\*House Resolution No. 0203 -- General Assembly, Studies --**  
Creates special house committee to examine historical and present roles of African Americans in development of public policy and planning relative to inner city economic development.

Further consideration of House Resolution No. 203, previously considered on April 13, 1994, when it was substituted for House Joint Resolution No. 368 and placed on the Consent Calendar for April 19; at which time it was objected to and reset to the Regular Calendar for April 20, 1994.

Rep. Brooks moved that House Resolution No. 203 be adopted, which motion prevailed.

A motion to reconsider was tabled.

**House Bill No. 2923 -- Columbia --** Authorizes levy and collection of impact fees against new land development.

Further consideration of House Bill No. 2923, previously considered on April 19, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for April 20, 1994.

On motion, House Bill No. 2923 was made to conform with Senate Bill No. 2905; the Senate Bill was substituted for the House Bill.

Rep. Napier moved that Senate Bill No. 2905 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	85
Noes. . . . .	2
Present and not voting. . . . .	9

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Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Liles, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Meyer, Stockburger -- 2.

Representatives present and not voting were: Allen, Joyce, Knight, Lewis, Ritchie, Venable, Walley, Westmoreland, Williams (Union) -- 9.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 2905 and have this statement entered in the Journal: Rep(s). West.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 2804 -- Corporations, Not for Profit -- Establishes guidelines for distribution of proceeds from sale, conveyance or other disposition of assets and business of nonprofit corporations. Amends TCA, Title 48.

Further consideration of House Bill No. 2804, previously considered on April 19, 1994, at which time it was reset to the Calendar for April 20, 1994.

Rep. Robinson moved that House Bill No. 2804 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 2804 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 48, Chapter 62, is amended by adding the following new section:



After the authorized sale, conveyance or other disposition of the assets and business of a public benefit corporation, the proceeds resulting from such sale, conveyance or other disposition shall be applied and distributed as follows:

(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(2) Assets held by the corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of the sale, conveyance or other disposition shall be returned, transferred or conveyed in accordance with such requirements;

(3) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational or similar purposes, but not held upon a condition requiring return, transfer or conveyance by reason of the sale, conveyance or other disposition shall be transferred or conveyed to one or more domestic or foreign corporations, societies or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation;

(4) Except where charter provisions or bylaws already in existence on July 1, 1994, determine the distributive right of members, or any class or classes of members, or provide for distribution to others, there shall be no distribution of such proceeds to such persons; and

(5) Any remaining proceeds shall be distributed or applied only to charitable, religious, eleemosynary, benevolent, educational or similar organizations or purposes.

SECTION 2. Tennessee Code Annotated, Section 48-62-102, is amended by deleting subsection (g) in its entirety and by substituting instead the following:

(g)

(1) A public benefit corporation shall give the attorney general written notice at least twenty (20) days before it sells, conveys or otherwise disposes of all, or substantially all, of its property in a transaction not in the usual and regular course of its activities.

(2) No proceeds from such sale, conveyance or other disposition shall be applied or distributed by a public benefit corporation until twenty (20) days after it has given the written notice required by subdivision (1) to the attorney general or until the attorney general has consented in writing to, or indicated in writing that he will take no action in respect to the transaction, whichever is earlier.

(3) When all or substantially all of the proceeds from such sale, conveyance or other disposition have been applied or distributed following approval of the transaction, the board shall deliver to the attorney general a list showing those individuals or entities to whom proceeds were applied or distributed. The list shall indicate the address of each individual or entity who received proceeds and indicate what amount of proceeds each received.

SECTION 3. Tennessee Code Annotated, Section 48-62-102, is amended by adding the following new subsection:

( ) All records, documentation, correspondence or any other material relating to the sale, conveyance or other disposition of the assets of a public benefit corporation in a transaction not in the usual and regular course of business, or relating to the application or distribution of any proceeds resulting from such sale, conveyance or other disposition, shall be public records and shall be open to the general public for inspection.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

On motion of Rep Robinson, House Bill No. 2804 was withdrawn from the House.

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

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Further consideration of Senate Bill No. 1357, previously considered on May 18, 1993, at which time it was re-referred to the Calendar and Rules Committee; it was placed on the Calendar for February 23, 1994 when it was substituted for House Bill No. 1039; Amendment No. 1 was withdrawn; Amendment No. 2 was adopted and the bill was reset to the Calendars for March 9, 30, and April 20, 1994.

Rep. Givens requested that Senate Bill No. 1357 be moved to the heel of the Calendar.

House Bill No. 1035 -- Nurses, Nursing -- Increases nurse assistant's in-service training requirement from 10 to 12 hours per year. Amends TCA, Title 68, Ch. 11.

Further consideration of House Bill No. 1035, previously considered on April 13, 14 and 19, 1994, at which time it was reset to the Calendar for April 20, 1994.

Rep. Arriola requested that House Bill No. 1035 be moved to the heel of the Calendar.

\*Senate Bill No. 2216 -- Hotels and Restaurants -- Requires commissioner of health to promulgate rules establishing rights of innkeeper to refuse or deny accommodations to certain persons. Amends TCA, Title 68, Ch. 14.

Further consideration of Senate Bill No. 2216, previously considered on today's Calendar.

Rep. West moved that Senate Bill No. 2216 be passed on third and final consideration.

Rep. Duer moved to adopt Amendment No. 4 as follows:

#### Amendment No. 4

Amend Senate Bill No. 2216 by deleting from the amendatory language of Section 5 the language "three (3)" and by substituting instead the language "one (1)".

On motion, Amendment No. 4 was adopted.

Rep. West moved to adopt Amendment No. 5 as follows:

#### Amendment No. 5

Amend Senate Bill No. 2216 by deleting subsection (a)(3) of Section 4 and by substituting instead the following:

(3) Intentionally damages a lodging establishment room or its furnishings.

On motion, Amendment No. 5 was adopted.

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Rep. West moved that Senate Bill No. 2216 be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

Senate Bill No. 2216, as amended, passed on third and final consideration by the following vote:

Ayes. . . . .	92
Noes. . . . .	4
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Armstrong, Brooks, Brown, Pruitt -- 4.

Representatives present and not voting were: Dixon -- 1.

A motion to reconsider was tabled.

House Resolution No. 0216 -- Memorials, Public Service -- Representative Dennis Ferguson.

Further consideration of House Resolution No. 216, previously considered on April 11 and 19, 1994, at which time it was reset to the Calendar for April 20, 1994.

Rep. Windle requested that House Resolution No. 216 be moved to the heel of the Calendar.

House Bill No. 2173 -- Health -- Assigns duties to black health care commission to monitor impact of TennCare on African-American community; postpones commission's termination date from June 30, 1995 to June 30, 2004. Amends TCA, Title 3, Ch. 15, Pt. 4.

Further consideration of House Bill No. 2173, previously considered on April 19, 1994, at which time it was reset to the Calendar for April 20, 1994.

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Rep. Brown requested that House Bill No. 2173 be moved to the heel of the Calendar.

**\*Senate Joint Resolution No. 0372 -- Memorials, Congress -- Urges proposal and enactment of constitutional amendment providing that no court has power to levy or increase taxes; makes application for constitutional convention in absence of such enactment.**

Further consideration of Senate Joint Resolution No. 372, previously considered on April 19, 1994, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar for April 20, 1994.

Rep. Peroulas Draper moved that Senate Joint Resolution No. 372 be concurred in.

Rep. Purcell moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Joint Resolution No. 372 by deleting the word "and" at the end of the ninth preamble clause and substituting instead the words "now, therefore".

AND FURTHER AMEND by deleting the tenth preamble clause in its entirety.

AND FURTHER AMEND by deleting the third, fourth, fifth and sixth resolving clauses in their entirety.

AND FURTHER AMEND by deleting from the seventh resolving clause the following words:

"and, in the absence of such amendment, to apply to the U.S. Congress to call a constitutional convention for the purpose of proposing such amendment to the United States Constitution".

On motion, Amendment No. 1 was adopted.

Rep. Peroulas Draper moved that Senate Joint Resolution No. 372 be concurred in, which motion prevailed.

A motion to reconsider was tabled.

**House Bill No. 2064 -- Administrative Procedure -- Revises certain provisions relative to appeals of contested case hearings. Amends TCA, Title 4, Ch. 5, Pt. 3.**

Further consideration of House Bill No. 2064, previously considered on April 14 and 19, 1994, at which time it was reset to the Calendar for April 20, 1994.

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Rep. Kernell moved that House Bill No. 2064 be re-referred to the Calendar and Rules Committee, which motion prevailed.

House Bill No. 1961 -- Administrative Procedure -- Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1994.

Further consideration of House Bill No. 1961, previously considered on April 19, 1994, at which time it was reset to the Calendar for April 20, 1994.

Rep. Kernell requested that House Bill No. 1961 be moved to the heel of the Calendar.

\*Senate Bill No. 0980 -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of Senate Bill No. 980, previously considered on April 14, 1994, when it was reset to the Calendar for April 19, at which time it was substituted for House Bill No. 1398; Amendment No. 1 to Amendment No. 1 was adopted; Amendment No. 2 to Amendment No. 1 was withdrawn; Amendment No. 1, as amended, was adopted; Amendment No. 2 was tabled; Amendments Nos. 3 and 4 were adopted; Amendment No. 5 was withdrawn; Amendment No. 6 was tabled; Amendment No. 7 was adopted; and the bill was reset to the Calendar for April 20, 1994.

Rep. Buck requested that Senate Bill No. 980 be moved down 10 places on the Calendar.

\*House Bill No. 2746 -- Taxes -- Extends termination date of annual nursing home tax from June 30, 1994 to June 30, 1995. Amends TCA, Title 68, Ch. 11.

Rep. Purcell moved that House Bill No. 2746 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2746 by deleting Sections 1 and 2 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-11-216(d), is amended by deleting the figures "1993" wherever they appear in said subsection and substituting instead the figures "1994".

SECTION 2. Tennessee Code Annotated, Section

68-11-216(d), is further amended by deleting the figures "1994" from the last sentence of subdivision (d)(2) and from Paragraph (d)(12) and substituting instead the figures "1995".

SECTION 3. Tennessee Code Annotated, Section 68-11-216(d), is further amended by deleting subdivision (d)(10) in its entirety and substituting instead the following:

(10) Enactment of this subsection and any amendments thereto shall not operate to excuse the monthly installment payment of the nursing home privilege tax due on July 15, 1994.

SECTION 4. Tennessee Code Annotated, Section 68-11-830, is amended by adding the following as an appropriately designated new subsection:

(d)(1) Effective July 1, 1993, each Intermediate Care Facility for the Mentally Retarded ("ICFMR") shall pay a tax as set forth in this subsection. Licensed facilities which are owned or operated by an agency of the state are not excluded from paying the tax.

(2)(i) For the period July 1, 1993 through June 30, 1994, the tax shall be at a rate of six percent (6%) of the annual gross receipts of an intermediate care facility for the mentally retarded operating in the state of Tennessee. The tax due from facilities that are not one hundred percent (100%) ICFMR certified shall be at the rate of six percent (6%) of the annual gross receipts generated from beds certified as intermediate care beds for the mentally retarded in the facility. Such tax shall be due on or before July 15, 1994.

(ii) Effective July 1, 1994, the tax shall be at the rate of six percent (6%) of the monthly gross receipts of an intermediate care facility for the mentally retarded operating in the state of Tennessee. The tax due from facilities that are not one hundred percent (100%) ICFMR certified shall be based at the rate of six percent (6%) of the monthly gross receipts generated from beds certified as intermediate care beds for the mentally retarded in the facility. Such tax shall be paid monthly based on the amount of the tax established in this subdivision. The monthly payments are due on the fifteenth of each following month, beginning August 15, 1994 for the July 1994 payment, and ending with a final payment on July 15, 1995.

(3) The commissioner of health shall adopt rules and regulations governing the collection of such taxes. Notwithstanding any other provision of law, the commissioner is authorized to promulgate such rules as public necessity rules pursuant to Section 4-5-209.

(4) Any challenge to the tax imposed by this subsection shall be brought pursuant to Title 67, Chapter 1, Part 9 and Section 9-8-307(a)(1)(0).

(5) All revenue collected pursuant to this subsection shall be deposited in the general fund.

(6)(A) If any part of any tax imposed under this subsection is not paid on or before the due date, a penalty of five percent (5%) of the amount due shall at once accrue and be added to such tax. Thereafter, on the first day of each month during which any part of any tax or any prior accrued penalty remains unpaid, an additional penalty of five percent (5%) of the then unpaid balance shall accrue and be added to such tax or prior accrued penalty. In addition, taxes under this subsection not paid on the due date shall bear interest at the maximum lawful rate from the due date to the date paid. Payment shall be deemed to have been made upon date of deposit in the United States mail. The commissioner of health may for good cause approve an alternative payment plan as long as full payment of the tax is made.

(B) If an ICFMR is more than sixty (60) days delinquent in paying its monthly amount, the commissioner of mental health and mental retardation may initiate proceedings to revoke the license of the facility in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(C) If a facility is more than thirty (30) days delinquent in paying the amount of its tax or any installment of an alternative payment plan approved by the board or commissioner, the commissioner of health has the additional authority to deduct the amount owing from the facility's forthcoming Medicaid payments and to notify the facility that it will be locked into a process by which the monthly installment will automatically be deducted from each month's Medicaid payment for an appropriate period of time, as determined by the state. The facility will also be notified of an opportunity to request a hearing before the commissioner of health or the commissioner's designee to consider the sole issues of whether the amount of the tax was proper and whether the payment of the tax was more than thirty (30) days delinquent. If requested by the facility, this hearing shall be



promptly held but in no case shall the pendency of a hearing result in delay of the deductions envisioned herein.

(7) The tax imposed by this subsection may not be billed by the ICFMR as a separately stated charge, but this shall not prevent the ICFMR from adjusting its rates to defray the cost associated with the tax.

(8) The fiscal review committee shall review and have oversight of the implementation of the provisions of this subsection.

(9) Any tax obligation imposed by this subsection shall be suspended to the extent that and for the period that receipt of the tax by the state results in a corresponding reduction in federal financial participation under Title XIX of the Federal Social Security Act.

(10) The tax established by this subsection shall terminate on June 30, 1995.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. Sections 1, 2 and 3 of this act shall take effect July 1, 1994, the public welfare requiring it. All other sections of this act shall take effect upon becoming a law, the public welfare requiring it, and shall, for purposes of the tax on the intermediate care facilities for the mentally retarded, apply to gross receipts generated on and after July 1, 1993.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that House Bill No. 2746, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	74
Noes . . . . .	22
Present and not voting . . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chiles, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber,

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Lewis, Liles, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Winningham, Wix, Mr. Speaker Naifeh -- 74.

Representatives voting no were: Allen, Chumney, Duer, Garrett, Haley, Halteman Harwell, Hassell, Joyce, Knight, McAfee, Meyer, Odom, Ramsey, Ritchie, Shirley, Stamps, Stockburger, Venable, West, Westmoreland, Windle, Wood -- 22.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

#### **REQUEST TO CHANGE VOTE**

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to no on House Bill No. 2746 and have this statement entered in the Journal: Rep(s). Peroulas Draper.

#### **MESSAGE FROM THE SENATE April 20, 1994**

MR.SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2820; passed by the Senate.

CLYDE W.McCULLOUGH, JR., Chief Clerk.

**\*Senate Bill No. 2820 -- Appropriations -- Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1994. by \*Henry, \*Crutchfield, \* McNally.**

#### **REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2760 -- Appropriations -- Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1994.**

On motion, House Bill No. 2760 was made to conform with Senate Bill No. 2820; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 2820 be passed on third and final consideration.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Purcell moved that Senate Bill No. 2820 be passed on third and final consideration.

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Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes. . . . .	51
Noes. . . . .	35
Present and not voting. . . . .	1

Representatives voting aye were: Arriola, Bell, Bragg, Brooks, Buck, Byrd, Callicott, Chumney, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, DeBerry, Fisher, Fowlkes, Garrett, Givens, Head, Herron, Hillis, Jackson, Johnson, Kent, Kernell, Kisber, Lewis, Love, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Tindell, West, Westmoreland, Whitson, Wix, Mr. Speaker Naifeh -- 51.

Representatives voting no were: Allen, Anderson, Bittle, Boyer, Chiles, Coffey, Duer, Ferguson, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Huskey, Jones R (Shelby), Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Peroulas Draper, Pruitt, Ramsey, Severance, Shirley, Stamps, Stockburger, Turner (Shelby), Venable, Walley, Williams (Shelby), Williams (Union), Windle, Wood -- 35.

Representatives present and not voting were: Knight -- 1.

Rep. Windle moved the previous question, which motion prevailed.

Senate Bill No. 2820 passed on third and final consideration by the following vote:

Ayes. . . . .	96
Noes. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Meyer, Shirley, Stockburger -- 3.

A motion to reconsider was tabled.

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House Bill No. 2761 -- Bond Issues -- Authorizes \$245,900,000 bond issue to fund state projects.

Rep. Purcell moved that House Bill No. 2761 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2761 by deleting from Section 1 of the printed bill the words and figures:

"two hundred forty-five million, nine hundred thousand dollars (\$245,900,000.00)" and by substituting the words and figures "two hundred seventy-one million, three hundred thousand dollars (\$271,300,000.00)".

AND FURTHER AMEND by deleting from Section 4.(2) of the printed bill the words and figures:

"Eighteen million, seven hundred thousand dollars (\$18,700,000.00)" and by substituting the words and figures "twenty-eight million, four hundred thousand dollars (\$28,400,000.00)".

AND FURTHER AMEND by adding a new sentence at the end of Section 4.(2) of the printed bill to read:

"The State Building Commission is authorized to acquire the Department of Human Services local office in north Nashville at a price not to exceed \$6,700,000.00 if the State Building Commission determines the acquisition to be in the state's best interest".

AND FURTHER AMEND by adding a new item to Section 4 of the printed bill to read:

"( ) Fifteen million, seven hundred thousand dollars (\$15,700,000.00) to provide funds to the Department of Finance and Administration for the acquisition of central food service processing facilities to be allocated and expended for the purpose of acquisition of equipment, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures for expansion, improvement, betterments, and extraordinary repairs to existing structures."

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that House Bill No. 2761, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Shirley, Stockburger -- 2.

A motion to reconsider was tabled.

~~House Bill~~ No. 0198 -- Bond Issues -- Authorizes \$48,215,000 bond issue to be allocated by department of finance and administration for state purposes.

Rep. Jackson moved that House Bill No. 198 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 198 by deleting in Section 1, the words and numbers, "one hundred million dollars (\$100,000,000)" and substituting in lieu thereof the words and numbers, "forty-five million seven hundred and fifteen thousand dollars (\$45,715,000)";

AND FURTHER AMEND by deleting Section 4, in its entirety and substituting in lieu thereof a new Section 4, to read as follows:

Section 4. The proceeds of any and all issues off bonds herein authorized shall be allocated as follows: 1) Thirteen million eight hundred thousand dollars (\$13,800,000) to the department of finance and administration to provide funds for the development, under the general oversight of the Information Systems Council, of an information system for the judiciary; and, 2) Thirty-one million nine hundred fifteen thousand dollars (\$31,915,000) to the department of environment and

conservation for the purpose of capital projects at the following parks in the following amounts and for the purpose of acquisition of equipment, and erection, construction and equipment of sites and buildings, expressly including the acquisition of existing structures, for expansion, improvement, betterments and extraordinary repairs to existing structures:

(1) Montgomery Bell State Park.....	\$11,100,000
(2) Fall Creek Falls State Park.....	7,000,000
(3) Natchez Trace State Park.....	8,900,000
(4) Paris Landing State Park.....	4,915,000

On motion, Amendment No. 1 was adopted.

Rep. Jackson requested that House Bill No. 198 be moved to the heel of the Calendar.

House Bill No. 2677 -- Bond Issues -- Issues bonds in an amount not to exceed \$80 million for capital projects at state area vocational technical schools.

Rep. Bragg moved that House Bill No. 2677 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2677 by deleting in Section 1, the words and numbers, "eighty million dollars (\$80,000,000)" and substituting the words and numbers, "forty-five million dollars (\$45,000,000)" in lieu thereof;

AND FURTHER AMEND by adding the following at the end of Section 4:

Any such projects shall be part of an expenditure plan approved by the State Board of Regents and the Tennessee Higher Education Commission and reviewed by the Education Committees of the Senate and House of Representatives with final approval by the State Building Commission.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved that House Bill No. 2677 be passed on third and final consideration.

Rep. Givens moved the previous question, which motion prevailed.

House Bill No. 2677, as amended, passed on third and final

consideration by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1760 -- District Attorneys -- Entitles district attorney of 15th judicial district to additional secretarial position. Amends TCA 16-2-506.

Further consideration of House Bill No. 1760, previously considered on today's Calendar.

Rep. Buck requested that House Bill No. 1760 be moved to the heel of the Calendar. He then moved to re-refer House Bill No. 1760 to the Calendar and Rules Committee, which motion prevailed.

**RULES SUSPENDED**

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 727 out of order, which motion prevailed.

House Joint Resolution No. 0727 -- Memorials, Public Service -- David Manning, Commissioner of Finance and Administration. by \*Purcell, \*Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 726 out of order, which motion prevailed.

House Joint Resolution No. 0726 -- Memorials, Public Service -- Billy Stair, Governor's Office. by \*Naifeh, \*Purcell, \*Ridgeway, \*Cole Ronnie, \*Collier, \*Fisher, \*Kisber, \*Pinion, \*Herron, \*Phelan, \*Rinks, \*Crain, \*Moore.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.



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A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 725 out of order, which motion prevailed.

House Joint Resolution No. 0725 -- Memorials, Public Service -- Jim Kennedy. by \*Naifeh, \*Kisber, \*Crain, \*Ridgeway, \*Cole Ronnie, \*Herron, \*Fisher, \*Collier, \*Rinks, \*Phelan, \*Moore, \*Pinion.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

#### RECOGNITION

Mr. Speaker Naifeh recognized David Manning, Finance Commissioner and Governor's staff members Billy Stair and Jim Kennedy in the well for remarks.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 2094 -- Criminal Offenses -- Expands offense of parent knowing minor is in illegal possession of firearm on school or public property, to include standard of whether parent should have known; violation Class A misdemeanor. Amends TCA 39-17-1312.

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Further consideration of House Bill No. 2094, previously considered on today's Calendar.

Rep. Moore requested that House Bill No. 2094 be moved to the heel of the Supplemental Calendar.

**House Bill No. 2116 -- Education --** Provides that legislative intent in education of handicapped children is to meet needs of children but no longer to maximize their capabilities. Amends TCA 49-10-101.

Further consideration of Haley, previously considered on today's Calendar.

Rep. Moore requested that House Bill No. 2116 be moved to the heel of the Supplemental Calendar.

**Senate Bill No. 1357 -- District Attorneys --** Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

Further consideration of Senate Bill No. 1357, previously considered on today's Calendar.

Rep. Givens requested that Senate Bill No. 1357 be moved down 5 places on the Calendar.

**House Bill No. 1035 -- Nurses, Nursing --** Increases nurse assistant's in-service training requirement from 10 to 12 hours per year. Amends TCA, Title 68, Ch. 11.

Further consideration of House Bill No. 1035, previously considered on today's Calendar.

On motion, House Bill No. 1035 was made to conform with Senate Bill No. 343; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that Senate Bill No. 343 be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Arriola moved that Senate Bill No. 343 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Resolution No. 0216 -- Memorials, Public Service -- Representative Dennis Ferguson.**

Further consideration of House Resolution No. 216, previously considered on today's Calendar.

Rep. Windle requested that House Resolution No. 216 be moved to the head of the Supplemental Calendar.

**House Bill No. 2355 -- Hospitals and Health Care Facilities -- Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.**

Further consideration of House Bill No. 2355, previously considered on today's Calendar.

Rep. Purcell requested that House Bill No. 2355 be moved down 10 places on the Calendar.

**House Bill No. 2173 -- Health -- Assigns duties to black health care commission to monitor impact of TennCare on African-American community; postpones commission's termination date from June 30, 1995 to June 30, 2004. Amends TCA, Title 3, Ch. 15, Pt. 4.**

Further consideration of House Bill No. 2173, previously considered on today's Calendar.

On motion, House Bill No. 2173 was made to conform with Senate Bill No. 2324; the Senate Bill was substituted for the House Bill.

Rep. Brown moved that Senate Bill No. 2324 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2324 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 3, Chapter 15, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section \_\_\_\_\_. (a) In addition to the powers of the commission authorized pursuant to §3-15-402, the commission is authorized to appoint a five (5) member board to be known as the "Corporate Practice Profession Review Board" hereafter referred to as the board.

(b)(1) The board members shall be citizens and residents of Tennessee and shall be appointed for three (3) year staggered terms. Two members shall be appointed initially to serve a three (3) year term, two members shall be appointed to serve a two (2) year term, and one member shall be appointed to serve a one (1) year term. Thereafter all appointments shall be for three (3) years. Board members may be appointed to serve consecutive terms. Vacancies shall be filled by the commission for the balance of the unexpired term. The commission may remove a board member only for good cause and, in so doing, the commission shall submit in writing to the member and the general assembly the basis for such removal.

(2) The commission shall appoint board members as follows:

One (1) member shall represent African-American physicians on a state-wide basis. A statewide African-American Medical Society may submit three (3) nominees for this position;

One (1) member shall represent the largest state medical association;

One (1) member shall represent the hospital industry;

One (1) member shall represent the health insurance industry; and

One (1) member shall represent local African-American physicians practicing in the county having the largest African-American population. An African-American medical organization from such county may submit three

(3) nominees for this position.

(c) At its first meeting and each year thereafter the board shall elect a chairperson and a secretary from among its members.

(d) Upon request of the board, the commissioner of health shall provide necessary staff to the board to enable the board to effectively perform its duties.

(e) The board shall have the responsibility to arbitrate claims brought by a physician against a person, corporation, organization, or other entity employing, directly or indirectly, a physician under a written employment contract in accordance with Chapter \_\_\_\_ of the Public Acts of 1994, SB 2084/HB 2354. Such claims may be filed by a physician employed under such contract or by a physician practicing in the community whose medical practice is affected as a direct result of any such contract. The board shall have authority to hear:

(1) Discrimination claims based on race, sex, national origin, or physical disability;

(2) Discrimination claims based on professional qualifications, competence, and quality of care in the selection or designation of physicians under such contractual arrangements; and

(3) Claims based on the independent medical judgment decisions of the physician employed under such contract in diagnosing and treating patients.

(f) The procedural requirements of Tennessee Code Annotated, Title 29, Chapter 5, Part 1, shall apply in any dispute submitted to the board for arbitration; provided that the board's decision shall be binding. If the board is appointed under this act, each employment contract entered into or renewed under the provisions of Chapter \_\_\_\_ of the Public Acts of 1994, SB 2084/HB 2354 after the appointment of such board shall contain language authorizing any physician employed under such contract to elect to submit a dispute under such contract to the Corporate Practice Profession Review Board.

(g) Nothing in this section shall be construed as prohibiting any person from pursuing other remedies at law or equity unless the physician elects to submit the dispute to the board in accordance with subsection (f).

Rep. Dixon moved to amend as follows:

Amendment No. 1 to Amendment No. 1

Amend Senate Bill No. 2324 by deleting the language "Part

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1" from the directory language of the new section added by House Health & Human Resources Committee Amendment No. 1 and by substituting instead the language "Part 4".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Dixon moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2324 by adding the following new section immediately preceding the effective date section and by appropriately redesignating that section:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 3-15-405, is further amended by adding the following new sentence at the end of that section:

Provided however, effective January 15, 1995, the speakers of each house of the general assembly shall appoint a new board, as provided in Section 3-15-401.

On motion, Amendment No. 2 was adopted.

Rep. Brown moved that Senate Bill No. 2324, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowikes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Haley, Haun, Shirley -- 3.

A motion to reconsider was tabled.

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House Bill No. 1961 -- Administrative Procedure -- Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1994.

Further consideration of House Bill No. 1961, previously considered on today's Calendar.

Rep. Knight moved that House Bill No. 1961 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1961 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Rule 0100-3-.04(3) - Official Compilation of the Rules and Regulations of Tennessee, is amended by deleting the language "Wine and Low Proof Spirits Permitted But Restricted. Wine and spirits containing alcohol of seven percent (7%) or less" and by substituting instead the language "Wine Permitted But Restricted. Wine".

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 5 as follows:

Amendment No. 2

AMEND House Bill No. 1961 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Rule 0520-1-2-.03(10) - Official Compilation Rules and Regulations of the State of Tennessee - State Board of Education - is amended by adding the following new subparagraphs thereto, as follows:

(f) Any person who performs the duties of a supervisor of instruction, regardless of the title of such person's position, must have the endorsement or license required for a supervisor of instruction.

(g) Persons having an endorsement as a supervisor of instruction as of August 31, 1994 shall be issued a professional administrator license.

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 6 as follows:

Amendment No. 3

AMEND House Bill No. 1961 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Rule 0520-2-4-.02(1)(a) - Official Compilation Rules and Regulations of the State of Tennessee - State Board of Education - is amended by adding a new subdivision thereto, as follows:

(16) Persons having an endorsement in administration, supervision, supervisor of instruction or principal on August 31, 1994, shall be issued a professional administrator license, regardless of whether such persons are employed as a principal, supervisor of instruction or educational position.

On motion, Amendment No. 3 was adopted.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 7 as follows:

Amendment No. 4

AMEND House Bill No. 1961 by adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. Rule 0520-2-3-.01(14) - Official Compilation Rules and Regulations of the State of Tennessee - State Board of Education - is amended by adding the following language to the end thereto:

Beginning August 31, 1994, candidates seeking licensure and endorsement as a school counselor in grades K-12 must have two (2) years of experience as a classroom teacher.

On motion, Amendment No. 4 was adopted.

Rep. Liles moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Haun moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Haun moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Haun moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Haun moved that Amendment No. 9 be withdrawn, which motion prevailed.



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Rep. Kernell moved that **House Bill No. 1961**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**Senate Bill No. 1357** -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

Further consideration of **Senate Bill No. 1357**, previously considered on today's Calendar.

Rep. Givens requested that **Senate Bill No. 1357** be moved to the heel of the Supplemental Calendar.

**MOTION TO RECESS**

On motion of Rep. Purcell, the House recessed until 1:00 p.m.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

On motion of Rep. Purcell, the roll call was dispensed with.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 0198** -- Bond Issues -- Authorizes \$48,215,000 bond issue to be allocated by department of finance and administration for state purposes.

**WEDNESDAY, APRIL 20, 1994 -- EIGHTY-NINTH LEGISLATIVE DAY**

Further consideration of House Bill No. 198, previously considered on today's Calendar.

Rep. Jackson requested that House Bill No. 198 be moved to the heel of the Calendar.

**\*Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of Senate Bill No. 980, previously considered on today's Calendar.

Rep. Buck requested that Senate Bill No. 980 be moved down 5 places on the Calendar.

**FIRST SUPPLEMENTAL CALENDAR**

**House Bill No. 2260** -- Sports -- Adds National Hockey League to professional sports which can be secured by sports authority. Amends TCA 67-6-103, 67-6-712.

Rep. Purcell moved that **House Bill No. 2260** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 2260 and have this statement entered in the Journal: Rep(s). Brown.

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REGULAR CALENDAR, CONTINUED

House Bill No. 2834 -- Children -- Establishes a system of juvenile-family crisis intervention teams to reduce number of referrals to juvenile courts and number of children committed to state custody. Amends TCA, Title 37, Ch. 1, Pt. 1.

Rep. Purcell moved that House Bill No. 2834 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2834 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. By this enactment, it is the intent of the general assembly to implement services to reduce the number of unruly children as defined in Tennessee Code Annotated, Section 37-1-102(b)(21) who are referred to juvenile court and to reduce the number of unruly children who are placed in state custody.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) The state of Tennessee shall establish up to five (5) juvenile-family crisis intervention programs to provide a continuous twenty-four (24) hour on-call service designed to attend and stabilize juvenile-family crises. The crisis intervention program may, in appropriate cases, work with the family on a short-term basis. The juvenile-family crisis intervention program shall make referrals for appropriate services needed to continue resolution of the crisis.

(b) The pilot juvenile-family crisis intervention programs shall serve as an alternative to juvenile court in situations where a juvenile-family crisis exists and there has been either:

(1) a request by a parent or juvenile for intervention; or

(2) a referral by a public or private agency, educational institution, or any other organization serving children, which has contact with the juvenile or family, and has reason to believe that a family crisis exists.

(c) If, in the judgment of the juvenile-family crisis intervention program, a juvenile-family crisis continues to exist despite the provision of crisis intervention services and the exhaustion of appropriate community services, then the juvenile-crisis intervention program shall certify to the juvenile court that resolution of the juvenile-family crisis is not feasible with less drastic measures than court intervention. The court shall then accept a petition pursuant to Tennessee Code Annotated, Section 37-1-108. Provided, however, no petition shall be accepted for a child experiencing a juvenile-family crisis or for an unruly child, unless the juvenile-family crisis intervention program certifies, pursuant to this subsection, that a petition should be filed. Upon filing the petition, the jurisdiction of the court shall extend to the juvenile, parent or guardian, or other family member contributing to the crisis.

SECTION 3. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following as a new, appropriately designated section:

By promulgation of local rules, juvenile courts with a pilot juvenile-family crisis intervention program shall require anyone seeking a petition or other intervention for a case constituting a juvenile-family crisis to first utilize the juvenile-family crisis intervention program to resolve the juvenile-family crisis without juvenile court intervention.

SECTION 4. The state of Tennessee shall evaluate and determine the efficiency and effectiveness of the pilot juvenile-family crisis intervention programs and shall report annually its findings and recommendations to the select joint committee on children and youth.

SECTION 5. This act shall take effect on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 2834 by inserting the words "on an annual basis" in Section 4 between the word "evaluate" and the word "and".

On motion, Amendment No. 2 was adopted.

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Rep. Purcell moved that **House Bill No. 2834**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Callicott, Williams (Williamson) -- 2.

A motion to reconsider was tabled.

**House Bill No. 2158** -- Public Defenders -- Prohibits annual meeting of district public defenders conference from being held while general assembly in regular session. Amends TCA 8-7-201; Title 8, Chs. 14, 34, 37.

Rep. Rhinehart moved that **House Bill No. 2158** be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Council on Pensions and Insurance Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1 as House Amendment No. 2.

On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Rep. Rhinehart moved to adopt Amendment No. 4 as follows:

**Amendment No. 4**

AMEND **House Bill No. 2158** by deleting all language following the enacting clause, as amended, and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-14-207(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) Effective July 1, 1994, the salary for district public defenders shall be an amount equal to eighty-eight percent (88%) of the salary established by law for district attorneys general. Effective July 1, 1995, the salary for district public defenders shall be an amount equal to the salary established by law for district attorneys general. The annual salary shall be adjusted to reflect all salary increases provided to the district attorney general.

SECTION 2. Tennessee Code Annotated, Section 8-14-207(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)(1) Effective July 1, 1994 all full-time assistant district public defenders shall be compensated according to the following pay schedule:

Entry level	\$26,000;
after one (1) year	\$28,000;
after two (2) years	\$30,000;
after three (3) years	\$35,000;
after four (4) years	\$37,000;
after five (5) years	\$39,000;
after six (6) years	\$41,000;
after seven (7) years	\$43,000;
after eight (8) years	\$48,000;
after nine (9) years	\$50,000;
after ten (10) years	\$52,000;
after eleven (11) years	\$54,000;
after twelve (12) years	\$56,000;
after thirteen (13) years	\$58,000;
after fourteen (14) years	\$60,000;
after fifteen (15) years	\$62,000;
after sixteen (16) years	\$64,000;
after seventeen (17) years	\$65,000;
after eighteen (18) years	\$66,000;
after nineteen (19) years	\$67,000;
after twenty (20) years	\$68,000.

(b)(2) The salary levels for assistant district public defenders shall be increased by such percentage amount as shall be fixed by the general assembly in the general appropriations act. For the purpose of budget preparation, it shall be presumed that such percentage amount shall be the same as that received by other state employees.

(b)(3) The Executive Secretary of the Tennessee District Public Defenders Conference shall certify the level of compensation awarded to assistant district

public defenders based on prior service credits. Assistant district public defenders shall be entitled to the same prior service credits as allowed assistant district attorneys general.

Entry level	\$22,000;
after two (2) years	\$24,000;
after four (4) years	\$26,000;
after six (6) years	\$28,000;
after eight (8) years	\$30,000;
after ten (10) years	\$32,000;
after twelve (12) years	\$34,000;
after fourteen (14) years	\$36,000;
after sixteen (16) years	\$38,000;
after eighteen (18) years	\$40,000;
after twenty (20) years	\$42,000.

(c)(2) The salary levels for district investigators shall be increased by such percentage amount as shall be fixed by the general assembly in the general appropriations act. For the purpose of budget preparation, it shall be presumed that such percentage amount shall be the same as that received by other state employees.

(c)(3) The Executive Secretary of the Tennessee District Public Defenders Conference shall certify the level of compensation awarded to district investigators based on prior service credits. District investigators shall be entitled to the same prior service credits as allowed criminal investigators for the district attorneys general.

(c)(4) If a district public defender having a vacant district investigator position appoints a licensed attorney to that position and designates that person to serve as an assistant district public defender, the appointee may, upon recommendation of the appointing district public defender, with approval of the Executive Committee of the District Public Defenders Conference be compensated as an assistant district public defender as provided for in Section 2.

SECTION 4. No salary or level of compensation shall be reduced by this act for any assistant district public defender or district investigator who is employed on the effective date of this act.

SECTION 5. Tennessee Code Annotated, Section 8-34-206(a), is amended by adding the following new subdivision:

( ) The state of Tennessee shall assume employee contributions of up to five percent (5%) of the employee's earnable compensation for any person

entering the service of a district attorney general on or after July 1, 1994, as an assistant district attorney general.

SECTION 6. This act shall take effect on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 4 was adopted.

Rep. Rhinehart moved that **House Bill No. 2158**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Buck -- 1.

A motion to reconsider was tabled.

**House Bill No. 1580** -- District Attorneys -- Increases number of assistant district attorneys general and criminal investigators in certain judicial districts. Amends TCA, Title 16, Ch. 2.

Rep. Hargrove moved that House Bill No. 1580 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1580 by deleting all language of the bill following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (5)(B) the



word and figure "two (2)" and substituting instead the word and figure "three (3)".

SECTION 2. Tennessee Code Annotated, Section 16-2-506, is amended by adding the following to the end of subsection (31)(B)(iii):

Effective July 1, 1993, the district attorney general of the thirty-first judicial district is entitled to one (1) additional assistant district attorney general position.

SECTION 3. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (26)(B) the word and figure "three (3)" and substituting instead the word and figure "four (4)".

SECTION 4. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (19)(B) the word and figure "four (4)" and substituting instead the word and figure "five (5)".

SECTION 5. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (7)(B) the word and figure "two (2)" and substituting instead the word and figure "three (3)".

SECTION 6. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon ":" at the end of subsection (16)(B), substituting instead a period "." and by adding the following to the end of such subsection:

Effective July 1, 1993, the district attorney general of the sixteenth judicial district is entitled to one (1) additional assistant district attorney general position;

SECTION 7. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (6)(B) the word and figure "twelve (12)" and substituting instead the word and figure "thirteen (13)".

SECTION 8. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (30)(B) the words and figure "thirty-five (35)" and substituting instead the words and figure "thirty-six (36)".

SECTION 9. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (1)(B) the word and figure "five (5)" and substituting instead the word and figure "six (6)".

SECTION 10. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (30)(B),

as amended by Section 8 of this act, the words and figure "thirty-six (36)" and substituting instead the words and figure "thirty-seven (37)".

SECTION 11. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (5)(B), as amended by Section 1 of this act, the word and figure "three (3)" and substituting instead the word and figure "four (4)".

SECTION 12. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (15)(B) the word and figure "four (4)" and substituting instead the word and figure "five (5)".

SECTION 13. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (26)(B), as amended by Section 3 of this act, the word and figure "four (4)" and substituting instead the word and figure "five (5)".

SECTION 14. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (6)(B), as amended by Section 7 of this act, the word and figure "thirteen (13)" and substituting instead the word and figure "fourteen (14)".

SECTION 15. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (30)(B), as amended by Sections 8 and 10 of this act, the words and figure "thirty-seven (37)" and substituting instead the words and figure "thirty-eight (38)".

SECTION 16. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon ";" at the end of subsection (20)(B), substituting instead a period "." and by adding the following to the end of such subsection:

Effective July 1, 1993, the district attorney general of the twentieth judicial district is entitled to one (1) additional assistant district attorney general position;

SECTION 17. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (30)(B), as amended by Sections 8, 10 and 15 of this act, the words and figure "thirty-eight (38)" and substituting instead the words and figure "thirty-nine (39)".

SECTION 18. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (8)(B) the word and figure "four (4)" and substituting instead the word and figure "five (5)".

SECTION 19. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (10)(B) the word and figure "five (5)" and substituting instead the word and figure "six (6)".

SECTION 20. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon ";" at the end of subsection (20)(B), as amended by Section 16 of this act, substituting instead a period "." and by adding the following to the end of such subsection:

Effective July 1, 1993, the district attorney general of the twentieth judicial district is entitled to one (1) additional assistant district attorney general position;

SECTION 21. Tennessee Code Annotated, Section 16-2-506, is amended by deleting subsection (25)(B) in its entirety and substituting instead the following:

(B) The district attorney general of the twenty-fifth judicial district is entitled to six (6) assistant district attorney general positions and one (1) criminal investigator position, or, at the option of the district attorney general, to five (5) full-time assistant district attorney general positions, two (2) part-time assistant district attorney general positions and one (1) criminal investigator position;

SECTION 22. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (6)(B), as amended by Sections 7 and 14 of this act, the word and figure "fourteen (14)" and substituting instead the word and figure "fifteen (15)".

SECTION 23. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (4)(B) the word and figure "four (4)" and substituting instead the word and figure "five (5)".

SECTION 24. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (2)(B) the word and figure "seven (7)" and substituting instead the word and figure "eight (8)".

SECTION 25. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon ";" at the end of subsection (20)(B), as amended by Sections 16 and 20 of this act, substituting instead a period "." and by adding the following to the end of such subsection:

Effective July 1, 1993, the district attorney general of the twentieth judicial district is entitled to one (1) additional assistant district attorney general position;

SECTION 26. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (13)(B) the word and figure "six (6)" and substituting instead the word and figure "seven (7)".

SECTION 27. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (1)(B), as amended by Section 9 of this act, the word and figure "six (6)" and substituting instead the word and figure "seven (7)".

SECTION 28. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (10)(B), as amended by Section 19 of this act, the word and figure "six (6)" and substituting instead the word and figure "seven (7)".

SECTION 29. Tennessee Code Annotated, Section 16-2-506, is amended by deleting subsection (29)(B) in its entirety and substituting instead the following:

(B) The district attorney general of the twenty-ninth judicial district is entitled to three (3) assistant district attorney general positions and one (1) criminal investigator position, or, at the option of the district attorney general, two (2) full-time assistant district attorney general positions and two (2) part-time assistant district attorney general positions and one (1) criminal investigator position;

SECTION 30. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (8)(B) the words and figure "one (1) criminal investigator position" and substituting instead the words and figure "two (2) criminal investigator positions".

SECTION 31. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (10)(B) the words and figure "two (2) criminal investigator positions" and substituting instead the words and figure "three (3) criminal investigator positions".

SECTION 32. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (12)(B) the words and figure "two (2) criminal investigator positions" and substituting instead the words and figure "three (3) criminal investigator positions".

SECTION 33. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (13)(B) the words and figure "one (1) criminal investigator position" and substituting instead the words and figure "two (2) criminal investigator positions".

SECTION 34. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from subsection (19)(B) the words and figure "one (1) criminal investigator position" and substituting instead the words and figure "two (2) criminal investigator positions".

SECTION 35. Tennessee Code Annotated, Section 16-2-506, is amended by deleting the semicolon ";" at the end of subsection (20)(B), as amended by Sections 16, 20 and 25 of this act, substituting instead a period "." and by adding the following to the end of such subsection:

Effective July 1, 1993, the district attorney general of the twentieth judicial district is entitled to one (1) additional criminal investigator position;

SECTION 36. Tennessee Code Annotated, Section 16-2-506, is amended by deleting from the first sentence of subsection (23)(B) the words and figure "one (1) criminal investigator position" and substituting instead the words and figure "two (2) criminal investigator positions".

SECTION 37. This act shall take effect on July 1, 1993, the public welfare requiring it.

Rep. Buck moved to amend as follows:

**Amendment No. 1 to Amendment No. 1**

Amend House Bill No. 1580 by deleting Section 2 of House Judiciary Committee Amendment No. 1 and substituting instead the following:

Section 2. Tennessee Code Annotated, Title 16, Chapter 2, Part 5 is amended by adding the following as a new section:

Section \_\_\_\_.(a) It is the declared policy of the Tennessee general assembly to create assistant district attorney general (hereafter "ADA") positions based upon the number of such "ADA" positions to population ratios being the primary consideration. The Tennessee district attorneys general conference and the Tennessee judicial council are directed to make recommendations on this basis with the immediate objective being to achieve the following ratios:

(1) RURAL DISTRICTS--One (1) "ADA" per 25,000 population; and

(2) URBAN DISTRICTS--One (1) "ADA" per 20,000 population.

(b) For purposes of this section, "URBAN

DISTRICTS" mean the second, sixth, eleventh, twentieth and thirtieth judicial districts and "RURAL DISTRICTS" mean all other judicial districts.

(c) Until the various judicial districts have attained approximate equality in "ADA" to population ratios, other factors are assigned a lower priority than "ADA" to population ratios. When this has been achieved, other considerations shall be considered in support of such position requests.

(d) In calculating the "ADA" to population ratio of a judicial district with a population of fifty thousand (50,000) or less, the position of district attorney general shall be counted as one-half (1/2) of an "ADA" position.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1 as amended was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 2**

AMEND House Bill No. 1580 by deleting Sections 1 through 22 in their entirety and substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 2, Part 5 is amended by adding the following new section:

Section \_\_\_\_ (a) It is the declared policy of the Tennessee General Assembly to create assistant district attorney general (hereinafter "ADA") positions based upon the number of such "ADA" positions to population ratios being the primary consideration with secondary consideration being caseload when uniformly reported caseload statistics become available. The Tennessee District Attorney General Conference and the Tennessee Judicial Council are directed to make recommendations on this basis with the immediate objective being to achieve the following ratio:

(1) Urban and Rural Districts--One (1) "ADA" per 20,000 population according to the 1990 federal census or any subsequent federal census.

(b) For purposes of this section, "Urban Districts" mean the second, sixth, eleventh, twentieth and thirtieth judicial districts and "Rural Districts" mean all other judicial districts.

(c) For the sole purpose of computing the one (1) assistant district attorney per 20,000 population, the District Attorney General in any one (1) county judicial district having a population of less than 50,000 shall be counted as one-half of an assistant district attorney.

(d) Until the various judicial districts have attained approximate equality in "ADA" to population ratios, other factors are assigned a lower priority than "ADA" to population ratios. When the ratio set out in this section has been achieved other factors including uniform caseload statistics, local funding, and geographic conditions that create logistical problems in covering the judicial district shall be considered in support of additional position requests, effective January 1, 1995.

SECTION 2. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(1)(B) and substituting instead the word and figure "eight (8)."

SECTION 3. Tennessee Code Annotated, Title 16, Chapter 2 is amended by deleting the word and figure "seven (7)" from subsection 16-2-506(2)(B) and substituting instead the word and figure "eight (8)."

SECTION 4. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(3)(B) and substituting instead the word and figure "seven (7)."

SECTION 5. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(4)(B) and substituting instead the word and figure "six (6)."

SECTION 6. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "two (2)" from subsection 16-2-506(5)(B) and substituting instead the word and figure "four (4)."

SECTION 7. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "twelve (12)" from subsection 16-2-506(6)(B) and substituting instead the word and figure "fifteen (15)."

SECTION 8. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "two (2)" from subsection 16-2-506(7)(B) and substituting instead the word and figure "three (3)."

SECTION 9. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)"

from subsection 16-2-506(8)(B) and substituting instead the word and figure "five (5)."

SECTION 10. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(9)(B) and substituting instead the word and figure "five (5)."

SECTION 11. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(10)(B) and substituting instead the word and figure "seven (7)."

SECTION 12. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "ten (10)" from subsection 16-2-506(11)(B) and substituting instead the word and figure "thirteen (13)."

SECTION 13. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(12)(B) and substituting instead the word and figure "six (6)."

SECTION 14. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "six (6)" from subsection 16-2-506(13)(B) and substituting instead the word and figure "seven (7)."

SECTION 15. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(15)(B) and substituting instead the word and figure "five (5)."

SECTION 16. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(16)(B) and substituting instead the word and figure "six (6)."

SECTION 17. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(17)(B) and substituting instead the word and figure "four (4)."

SECTION 18. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "two (2)" from subsection 16-2-506(18)(B) and substituting instead the word and figure "five (5)."

SECTION 19. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(19)(B) and substituting instead the word and figure "six (6)."

SECTION 20. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure



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"seventeen (17)" from subsection 16-2-506(20)(B) and substituting instead the word and figure "twenty-four (24)."

SECTION 21. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(21)(B) and substituting instead the word and figure "five (5)."

SECTION 22. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(22)(B) and substituting instead the word and figure "six (6)."

SECTION 23. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(23)(B) and substituting instead the words and figure "six (6)."

SECTION 24. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(24)(B) and substituting instead the word and figure "five (5)."

SECTION 25. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(25)(B) and substituting instead the word and figure "six (6)."

SECTION 26. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(26)(B) and substituting instead the word and figure "five (5)."

SECTION 27. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "two (2)" from subsection 16-2-506(27)(B) and substituting instead the word and figure "three (3)."

SECTION 28. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(28)(B) and substituting instead the word and figure "four (4)."

SECTION 29. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "thirty-five (35)" from subsection 16-2-506(30)(B) and substituting instead the word and figure "thirty-eight (38)."

SECTION 30. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting subsection 16-2-506(31)(B)(iii) in its entirety and by substituting instead the following new subsection:

(iii) The district attorney general of the

thirty-first judicial district is entitled to two (2) assistant district attorney general positions and one (1) criminal investigator position.

SECTION 31. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four(4)" from subsection 16-2-506(14)(B) and substituting instead the word and figure "three(3)" and is further amended by deleting the word and figure "two(2)" and substituting instead the word and figure "one (1)."

SECTION 32. This act shall take effect on July 1, 1994, the public welfare requiring it.

Rep. Hargrove requested that House Bill No. 1580 be moved down 5 places on the Calendar.

**House Bill No. 2443 -- Education --** Establishes certain training and educational criteria for school nutrition program supervisors and personnel. Amends TCA, Title 49, Ch. 6.

Rep. Winningham moved that House Bill No. 2443 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2443 by deleting all language following the enacting clause in its entirety and by substituting instead the following new language:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by adding the following language as a new, appropriately designated section:

Section 49-6-23\_\_\_\_. (a) State licensed school nutrition program supervisors shall be eligible for participation in the career ladder program as part of the state model for special groups.

(b) The provisions of this act shall not be construed to reduce the compensation of any school nutrition program employee, nor exclude any such employee from any future salary increase or improvement.

SECTION 2. The department of education shall promulgate all necessary rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. For the purposes of promulgating rules and regulations, this act shall take effect upon becoming law. the public welfare requiring it. For all other purposes, the provisions of this act shall take effect as expressly provided herein or, if not expressly provided, on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 2

Amend House Bill No. 2443 by deleting Section 7 in its entirety and substituting instead the following:

Section 7. Certified school food service school nutrition program supervisors who were previously participants in the career ladder program, hold a Tennessee teaching certificate, and spend fifty percent (50%) or more of their professional time delivering administrative or supervisory services to those personnel providing nutrition instruction to students shall be eligible for career ladder advancement on the same basis as teachers.

On motion, Amendment No. 2 was adopted.

Rep. Winningham moved that House Bill No. 2443, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

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**\*Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of Senate Bill No. 980, previously considered on today's Calendar.

Rep. Buck moved that **Senate Bill No. 980** be passed on third and final consideration.

Rep. Shirley requested that Amendment No. 8 be moved to the heel of the Amendments.

Rep. U. Jones moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Hargrove moved to adopt Amendment No. 10 as follows:

**Amendment No. 10**

AMEND Senate Bill No. 980 by deleting Section 1(a) and by substituting instead the following:

(a)(1) There is hereby created a judicial evaluation guidelines commission. The judicial evaluation guidelines commission shall adopt a program for appellate court judges to aid the public in evaluating the performance of such judges.

(2) The judicial evaluation guidelines commission shall be composed of nine (9) members:

(A) One (1) member to be appointed by the court of judiciary;

(B) One (1) member to be appointed by the board of professional responsibility;

(C) One (1) member to be appointed by the judicial council who shall not be a lawyer;

(D) One (1) member to be appointed by the speaker of the house;

(E) One (1) member to be appointed by the speaker of the house;

(F) The dean or designee of the dean from each of the following law schools:

(i) University of Memphis;

(ii) University of Tennessee;

(iii) The Nashville School of Law; and

(iv) Vanderbilt University.

(3) The judicial evaluation commission established by subsection (b) shall perform the evaluations of the appellate court judges pursuant to the guidelines established by the judicial evaluation guidelines commission.

AND FURTHER AMEND by deleting from Section 1(b)(6) the language "Supreme Court's".

Rep. Buck moved that Amendment No. 10 be tabled, which motion failed by the following vote:

Ayes. . . . .	43
Noes. . . . .	50
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Bell, Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Dyer), Collier, Cross, Davis, DeBerry, Dixon, Fisher, Garrett, Haun, Head, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Love, McKee, Miller, Mires, Moore, Phelan, Pinion, Purcell, Rhinehart, Ridgeway, Rinks, Robinson, Thompson, Tindell, Walley, West, Mr. Speaker Naifeh -- 43.

Representatives voting no were: Allen, Arriola, Bittle, Boyer, Callicott, Chiles, Cole (Carter), Crain, Davidson, Duer, Ferguson, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Johnson, Joyce, Kent, Lewis, Liles, McAfee, McDaniel, Meyer, Odom, Owenby, Peroulas Draper, Phillips, Pruitt, Ramsey, Rigsby, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Turner (Hamilton), Venable, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood -- 50.

Representatives present and not voting were: Bragg, Knight -- 2.

Rep. Hargrove renewed the motion to adopt Amendment No. 10, which motion prevailed.

Rep. Buck requested that Senate Bill No. 980 be moved down 3 places on the Calendar.

House Bill No. 2621 -- Teachers -- Grants up to one year paid leave of absence to teacher injured by violent criminal act in course of teacher's employment activities. Amends TCA, Title 49, Ch. 5, Pt. 7.

Rep. West requested that House Bill No. 2621 be moved down 8 places on the Calendar.

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**House Bill No. 2355** -- Hospitals and Health Care Facilities -- Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.

Further consideration of House Bill No. 2355, previously considered on today's Calendar.

Mr. Speaker Naifeh moved House Bill No. 2355 down on the Calendar.

**House Bill No. 2387** -- Firefighters -- Increases amount that may be paid to eligible firefighters from revenues generated by tax on fire insurance from \$450 to \$600. Amends TCA 54-4-205.

Rep. West moved that House Bill No. 2387 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2387 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 56-4-205, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) From revenues generated by the premium tax on fire insurance levied by this section, a sum sufficient shall be earmarked for the payment of the supplemental income bonus, in an amount not to exceed six hundred dollars (\$600), such amount to be established in the annual appropriations act, to eligible firefighters by the commission on firefighting personnel standards and education pursuant to Title 4, Chapter 24.

On motion, Amendment No. 1 was adopted.

Rep. West moved that House Bill No. 2387, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell,

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Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Jones U (Shelby), Miller -- 2.

A motion to reconsider was tabled.

**House Bill No. 1580 -- District Attorneys --** Increases number of assistant district attorneys general and criminal investigators in certain judicial districts. Amends TCA, Title 16, Ch. 2.

Further consideration of House Bill No. 1580, previously considered on today's Calendar.

Rep. Hargrove moved that House Bill No. 1580 be passed on third and final consideration.

Rep. Buck moved to reconsider action on Amendment No. 1, as amended, which motion prevailed. On motion, he withdrew Amendment No. 1, as amended.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 2**

AMEND House Bill No. 1580 by deleting Sections 1 through 22 in their entirety and substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Title 16, Chapter 2, Part 5 is amended by adding the following new section:

Section \_\_\_\_ (a) It is the declared policy of the Tennessee General Assembly to create assistant district attorney general (hereinafter "ADA") positions based upon the number of such "ADA" positions to population ratios being the primary consideration with secondary consideration being caseload when uniformly reported caseload statistics become available. The Tennessee District Attorney General Conference and the Tennessee Judicial Council are directed to make recommendations on this basis with the immediate objective being to achieve the following ratio:

(1) Urban and Rural Districts--One (1) "ADA" per

20,000 population according to the 1990 federal census or any subsequent federal census.

(b) For purposes of this section, "Urban Districts" mean the second, sixth, eleventh, twentieth and thirtieth judicial districts and "Rural Districts" mean all other judicial districts.

(c) For the sole purpose of computing the one (1) assistant district attorney per 20,000 population, the District Attorney General in any one (1) county judicial district having a population of less than 50,000 shall be counted as one-half of an assistant district attorney.

(d) Until the various judicial districts have attained approximate equality in "ADA" to population ratios, other factors are assigned a lower priority than "ADA" to population ratios. When the ratio set out in this section has been achieved other factors including uniform caseload statistics, local funding, and geographic conditions that create logistical problems in covering the judicial district shall be considered. In support of additional position requests, effective January 1, 1995.

SECTION 2. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(1)(B) and substituting instead the word and figure "eight (8)."

SECTION 3. Tennessee Code Annotated, Title 16, Chapter 2 is amended by deleting the word and figure "seven (7)" from subsection 16-2-506(2)(B) and substituting instead the word and figure "eight (8)."

SECTION 4. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(3)(B) and substituting instead the word and figure "seven (7)."

SECTION 5. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(4)(B) and substituting instead the word and figure "six (6)."

SECTION 6. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "two (2)" from subsection 16-2-506(5)(B) and substituting instead the word and figure "four (4)."

SECTION 7. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "twelve (12)" from subsection 16-2-506(6)(B) and substituting instead the word and figure "fifteen (15)."

SECTION 8. Tennessee Code Annotated, Title 16, Chapter 2,



is amended by deleting the word and figure "two (2)" from subsection 16-2-506(7)(B) and substituting instead the word and figure "three (3)."

SECTION 9. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(8)(B) and substituting instead the word and figure "five (5)."

SECTION 10. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(9)(B) and substituting instead the word and figure "five (5)."

SECTION 11. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(10)(B) and substituting instead the word and figure "seven (7)."

SECTION 12. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "ten (10)" from subsection 16-2-506(11)(B) and substituting instead the word and figure "thirteen (13)."

SECTION 13. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(12)(B) and substituting instead the word and figure "six (6)."

SECTION 14. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "six (6)" from subsection 16-2-506(13)(B) and substituting instead the word and figure "seven (7)."

SECTION 15. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(15)(B) and substituting instead the word and figure "five (5)."

SECTION 16. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(16)(B) and substituting instead the word and figure "six (6)."

SECTION 17. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(17)(B) and substituting instead the word and figure "four (4)."

SECTION 18. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "two (2)" from subsection 16-2-506(18)(B) and substituting instead the word and figure "five (5)."

SECTION 19. Tennessee Code Annotated, Title 16, Chapter 2,

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is amended by deleting the word and figure "four (4)" from subsection 16-2-506(19)(B) and substituting instead the word and figure "six (6)."

SECTION 20. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "seventeen (17)" from subsection 16-2-506(20)(B) and substituting instead the word and figure "twenty-four (24)."

SECTION 21. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(21)(B) and substituting instead the word and figure "five (5)."

SECTION 22. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(22)(B) and substituting instead the word and figure "six (6)."

SECTION 23. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(23)(B) and substituting instead the words and figure "six (6)."

SECTION 24. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four (4)" from subsection 16-2-506(24)(B) and substituting instead the word and figure "five (5)."

SECTION 25. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "five (5)" from subsection 16-2-506(25)(B) and substituting instead the word and figure "six (6)."

SECTION 26. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(26)(B) and substituting instead the word and figure "five (5)."

SECTION 27. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "two (2)" from subsection 16-2-506(27)(B) and substituting instead the word and figure "three (3)."

SECTION 28. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "three (3)" from subsection 16-2-506(28)(B) and substituting instead the word and figure "four (4)."

SECTION 29. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "thirty-five (35)" from subsection 16-2-506(30)(B) and substituting instead the word and figure "thirty-eight (38)."

SECTION 30. Tennessee Code Annotated, Title 16, Chapter 2,

is amended by deleting subsection 16-2-506(31)(B)(iii) in its entirety and by substituting instead the following new subsection:

(iii) The district attorney general of the thirty-first judicial district is entitled to two (2) assistant district attorney general positions and one (1) criminal investigator position.

SECTION 31. Tennessee Code Annotated, Title 16, Chapter 2, is amended by deleting the word and figure "four(4)" from subsection 16-2-506(14)(B) and substituting instead the word and figure "three(3)" and is further amended by deleting the word and figure "two(2)" and substituting instead the word and figure "one (1)."

SECTION 32. This act shall take effect on July 1, 1994, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

**Amendment No. 3**

Amend House Bill No. 2015 by adding new sections to be appropriately numbered to read as follows:

Section \_\_\_\_\_. The provisions of this act shall take effect only to the extent funding is provided specifically for the implementation of this act in the general appropriation bill. To the extent such funding is insufficient to fully implement the provisions of this act, the District Attorneys General Conference and the Commissioner of Finance and Administration shall determine which provisions herein shall be implemented. The Tennessee Code Commission is hereby directed to codify only those provisions of this act which are deemed to be funded by the District Attorneys General Conference as provided above.

Section \_\_\_\_\_. To the extent passage of this act creates or would have created additional staffing requirements for public defenders under the provisions of Section 16-2-518, Tennessee Code Annotated, as it existed on January 1, 1994, it is the legislative intent to implement such increased staffing requirements only to the extent funds for such purpose are specifically provided in the general appropriation act. To the extent such funds are insufficient to fully implement such staffing requirements, the district public defenders conference and the commissioner of finance and administration shall determine the allocation of any such funds as may be

available under the general appropriation act to the various public defender districts.

On motion, Amendment No. 3 was adopted.

Rep. Head moved that House Bill No. 1580, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 2118 -- Education -- Requires state funds allocated for capital projects at certain public schools be expended solely for such capital projects. Amends TCA, Title 49, Ch. 3.

On motion, House Bill No. 2118 was made to conform with Senate Bill No. 1875; the Senate Bill was substituted for the House Bill.

Rep. West moved that Senate Bill No. 1875 be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. West moved that Senate Bill No. 1875 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell,

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Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of Senate Bill No. 980, previously considered on today's Calendar.

Rep. Buck requested that Senate Bill No. 980 be moved down 3 places on the Calendar.

**House Bill No. 2621** -- Teachers -- Grants up to one year paid leave of absence to teacher injured by violent criminal act in course of teacher's employment activities. Amends TCA, Title 49, Ch. 5, Pt. 7.

Further consideration of House Bill No. 2621, previously considered on today's Calendar.

Rep. West requested that House Bill No. 2621 be moved to the heel of the Calendar.

**\*House Bill No. 1761** -- Real Property -- Authorizes state to transfer ownership of real property to Luton Mental Health Center. Amends TCA 8-50-802.

Rep. West moved that House Bill No. 1761 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1761 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. The state of Tennessee shall grant to the Luton Mental Health Center a fee simple determinable interest in the parcel of real property acquired by the state for use by the Luton Mental Health Center. The

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interest in the property conveyed to the Luton Mental Health Center shall terminate in twenty (20) years. Upon the termination of such interest the title to the property shall revert to the state of Tennessee.

On motion, Amendment No. 1 was adopted.

Rep. West moved that House Bill No. 1761 be passed on third and final consideration.

Rep. West requested that House Bill No. 1761 be moved down 2 places on the Calendar.

**\*House Bill No. 0411 -- Driver Licenses --** Increases fine for driving on revoked, suspended or cancelled driver license for first offense from \$500 to \$1,000 and for second and subsequent offenses from \$2,500 to \$5,000. Amends TCA, Title 55, Ch. 50.

On motion, House Bill No. 411 was made to conform with **Senate Bill No. 1143**; the Senate Bill was substituted for the House Bill.

Rep. Joyce moved that **Senate Bill No. 1143** be passed on third and final consideration.

On motion, Rep. Fisher withdrew Judiciary Committee Amendment No. 1.

Rep. Fisher moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1143 by deleting from Section 1 the language "violation of §39-13-213, §55-10-101, §55-10-102, or §55-10-401, or any felony conviction" and by substituting instead the language "conviction for vehicular assault under §39-13-106, vehicular homicide under §39-13-213, or driving while intoxicated under §55-10-401".

AND FURTHER AMEND by deleting from Section 2 the language "violation of §39-13-213, §55-10-101, §55-10-102, or §55-10-401, or any felony conviction" and by substituting instead the language "conviction for vehicular assault under §39-13-106, vehicular homicide under §39-13-213, or driving while intoxicated under §55-10-401".

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3.

Amendment No. 3

Amend Senate Bill No. 1143 by deleting from the amendatory language of Section 2, as amended, the words, figures, and symbols "not more than five thousand dollars (\$5,000)" and by substituting instead the following:

not less than three thousand dollars (\$3,000).

On motion, Amendment No. 3 was adopted.

Rep. Joyce moved that **Senate Bill No. 1143**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of Senate Bill No. 980, previously considered on today's Calendar.

Rep. Buck requested that Senate Bill No. 980 be moved down 3 places on the Calendar.

**\*House Bill No. 1761** -- Real Property -- Authorizes state to transfer ownership of real property to Luton Mental Health Center. Amends TCA 8-50-802.

Further consideration of House Bill No. 1761, previously considered on today's Calendar.

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Rep. West moved that **House Bill No. 1761**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 2015 -- Railroads --** Allocates sales tax collected from railroads for public railroad bridge rehabilitation. Amends TCA, Title 7, Ch. 56, Pt. 2, 67-6-103.

Rep. Napier moved that **House Bill No. 2015** be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 2**

AMEND **House Bill No. 2015** by deleting the date "July 1, 1994" as it appears in Section 1 and Section 2 and substituting instead the date "July 1, 1995".

AND FURTHER AMEND by deleting from Section 1 and Section 2 the language "all revenues collected from the sales tax revenues from all railway carriers" and adding the following language instead:

"such funds as may be available from the tax revenues allocated to the Department of Transportation not to exceed two million eight hundred thousand dollars (\$2,800,000.00)."



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On motion, Amendment No. 2 was adopted.

Rep. Bragg moved that Amendment No. 3 be withdrawn, which motion prevailed.

The House reconsidered its action on Amendment No. 3; Speaker Naifeh ruled that Amendment No. 3 was not withdrawn.

The House reconsidered its action on Amendment No. 2; Rep. Bragg then withdrew Amendment No. 2, which motion prevailed.

Rep. Bragg moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2015 by deleting the date "July 1, 1994" as it appears in Section 1 and Section 2 and substituting instead the date "July 1, 1995".

AND FURTHER AMEND by deleting from Section 1 and Section 2 the language "all revenues generated and collected from the sales tax on all railway carriers" and adding the following language instead:

"such funds as may be available from the tax revenues allocated to the Department of Transportation not to exceed two million eight hundred thousand dollars (\$2,800,000.00)."

On motion, Amendment No. 3 was adopted.

Rep. Napier moved that **House Bill No. 2015**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

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**House Bill No. 2291** -- Administrative Procedure -- Directs state agency to deliver copies or drafts of certain documents upon request; requires rules incorporating federal regulations to quote federal regulations verbatim. Amends TCA, Title 4, Ch. 5.

Rep. Johnson requested that House Bill No. 2291 be moved down 5 places on the Calendar.

**\*Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of Senate Bill No. 980, previously considered on today's Calendar.

Rep. Buck requested that Senate Bill No. 980 be moved down 5 places on the Calendar.

**House Bill No. 2435** -- Workers' Compensation -- Authorizes up to \$25 million to Workers' Compensation Insurance Fund to meet surplus requirements; outlines guidelines and restrictions. Amends TCA, Title 50, Ch. 6, Pt. 6.

Rep. Clark moved that House Bill No. 2435 be passed on third and final consideration.

Rep. Clark requested that Consumer and Employee Affairs Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Clark moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2435 by deleting the Sections and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-621, is amended by adding the following:

"The start-up costs may be utilized by the Fund to meet the reserve and capitalization requirements of the Department of Commerce and Insurance. The funds set aside for this purpose shall be considered an admitted asset for regulatory purposes. The time for the Fund repaying the appropriations may be extended by the Funding Board.

SECTION 2. Tennessee Code Annotated, Section 50-6-601(b)(4) shall be amended by adding the following sentence:

The policies written by the Fund shall be assessable against the policyholders.

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SECTION 3. Tennessee Code Annotated, Section 50-6-602, is amended by deleting subsection (3) relating to "Manager".

SECTION 4. Tennessee Code Annotated Sections 50-6-607, 50-6-611, 50-6-612, 50-6-613, and 50-6-614 are repealed.

SECTION 5. Tennessee Code Annotated, Sections 50-6-619 and 50-6-620, are amended by deleting the word "manager" and substituting instead the word "board".

SECTION 6. Tennessee Code Annotated, Section 50-6-622, is amended by deleting the second sentence.

SECTION 7. Tennessee Code Annotated, Section 50-6-623, is amended by deleting the words and numbers "by March 1, 1993" and "on July 1, 1993" from the Section.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Clark withdrew Consumer and Employee Affairs Committee Amendment No. 1.

Rep. Clark moved that House Bill No. 2435 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

House Bill No. 2435, as amended, passed on third and final consideration by the following vote:

Ayes. . . . .	79
Noes. . . . .	18

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg, Brooks, Brown, Buck, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix. Mr. Speaker Naifeh -- 79.

Representatives voting aye were: Allen, Anderson, Bittle,

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Boyer, Chiles, Garrett, Gunnels, Joyce, McAfee, McDaniel, McKee, Meyer, Peroulas Draper, Ramsey, Stockburger, Venable, Westmoreland, Wood -- 18.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 2435 and have this statement entered in the Journal: Rep(s). Williams (Union).

**SUPPLEMENTAL CALENDAR, CONTINUED**

**House Bill No. 2768 -- Solid Waste Disposal --** Requires standard of fairness in location of landfills be established to ensure that criteria for location has eliminated environmental racism and pattern of locating landfills only in poorest neighborhoods. Amends TCA, Title 68, Ch. 211.

Rep. U. Jones moved that House Bill No. 2768 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2768 by deleting Section 1 of this act in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-211-114, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b) Except as provided in Section 68-211-110, any person who accepts solid waste for disposal in a landfill which does not have a permit issued by the department of environment and conservation commits a Class B misdemeanor. Each day of continued violation constitutes a separate offense.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2768 by deleting Section 1 in its entirety and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 68-211-114, is amended by deleting the following language:

"commits a Class C misdemeanor."

and by substituting the following:

, or who accepts solid waste for disposal in a landfill which does not have a permit pursuant to this part, except as provided in Section 68-211-110, commits a Class B misdemeanor.

On motion, Amendment No. 2 was adopted.

Rep. U. Jones moved that **House Bill No. 2768**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Huskey -- 1.

A motion to reconsider was tabled.

**House Bill No. 2355** -- Hospitals and Health Care Facilities -- Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.

Further consideration of House Bill No. 2355, previously considered on today's Calendar.

Rep. Purcell moved that House Bill No. 2355 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources

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Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2355 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, Part 2, is amended by adding the following new section:

A physician who is employed by any person, corporation, organization, or other entity has an affirmative duty to notify a patient of such employment relationship at the initial encounter and prior to treatment.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2355 by adding before Section 1 the following new sections and by renumbering the subsequent sections accordingly:

SECTION 1. Tennessee Code Annotated, Section 63-6-204, is amended by adding the following as a new appropriately designated subsection:

( ) (1) Notwithstanding any other provision of law, a person, corporation, organization, or other entity, may employ directly or indirectly a physician provided that the employment relationship between the physician and the person, corporation, organization, or other entity is evidenced by a written contract containing language which does not unreasonably restrict the physician from maintaining medical staff privileges at or admitting patients in other area hospital facilities, or from exercising independent medical judgment in diagnosing and treating patients. Notwithstanding anything to the contrary herein, physicians in an employment relationship shall not be required to make referrals that are adverse to the patient's care and treatment. Under this section such person, corporation, organization, or other entity shall not be deemed to be engaged in the practice of medicine. In those instances wherein hospitals employ directly or indirectly physicians pursuant to this section, the hospitals shall not limit membership in

their medical staffs to directly or indirectly employed physicians; nor shall restrictions on medical staff membership unreasonably impair otherwise qualified practitioners from gaining or maintaining membership if the impact of said restrictions is to prevent the diversity of the community served from being reflected by the medical staff make-up.

(2) Nothing under this section, or under Title 63 or 68, shall be construed as authorizing health care facilities licensed in this state to substitute physician employment contracts for medical staff privileges, or the due process protections attendant thereto pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. §§11101, et seq.), unless otherwise expressly agreed to in a physician employment contract that satisfies the following standards:

(A) The agreement establishes a bona fide employment relationship, as defined in 26 U.S.C. 3121(d)(2) of the Internal Revenue Code.

(B) The agreement is set out in writing and signed by the parties.

(C) The agreement specifies the services to be provided by the physician.

(D) The term of the agreement is for not less than one (1) year.

(E) The compensation paid to the physician is consistent with fair market value in arms-length transactions and is not determined in a manner that takes into account the volume or value of any referrals by the physician; provided, however, this standard shall not preclude the payment of remuneration in the form of a productivity bonus, as permitted by federal law, based on services performed or supervised by the physician or provided incident to such services.

(3) Nothing in this section removes the responsibility of a physician to comply with the licensure laws of this title.

(4) Any employer of a physician, surgeon, or other licensed practitioner shall hold in confidence and not disclose confidential information pertaining to a patient's diagnosis, treatment, or health, except upon the patient's request or consent or when disclosure is otherwise permitted or required by law.

(5) An employer of a physician shall not discriminate on the basis of race, sex, national origin, or physical disability.

(6) Nothing in this act shall be construed to prohibit a court having jurisdiction in a workers' compensation case from ordering available treatment of a claimant by a physician who is not in an employment relationship as defined by this subsection. If the physician is an employee of the same employer as the injured employee and such physician is on the list of three (3) attending physicians as provided by law, the injured employee, prior to selecting an attending physician, shall be given adequate notice of the physician on the list who has an employment relationship with such employer.

SECTION 2. Tennessee Code Annotated, Section 63-6-225, is amended by deleting the period "." which appears at the end of subsection (a) and substituting instead a semicolon ";" and by adding the following new language:

provided, however, compensation to a physician pursuant to any employment or other contractual agreement or arrangement between the physician and a person, corporation, organization, or other entity that does not constitute the practice of medicine under Section 63-6-204 shall not constitute, or be deemed to constitute, the division of fees under this section.

SECTION 3. Tennessee Code Annotated, Section 68-11-205, is amended by adding the following language:

; provided, however, nothing herein shall prohibit a hospital licensed under this part, or a parent, subsidiary, or sister corporation thereof, from employing a physician in accordance with Section 63-6-204.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Odom moved that House Bill No. 2355 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 1137 -- Welfare -- Establishes interagency coordination council on welfare independence. Amends TCA, Title 37, Ch. 3, Pt. 1; Title 71, Ch. 3.

Rep. Arriola requested that House Bill No. 1137 be moved down places 12 on the Calendar.



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**House Bill No. 1578 -- District Attorneys --** Authorizes criminal investigators to join TCRS and to establish retirement credit through appropriate lump sum payment, plus 7 1/2 percent interest. Amends TCA 8-34-206.

Rep. Byrd moved that House Bill No. 1578 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 1578 by adding the following new sections immediately after Section 2 and by redesignating the subsequent section accordingly:

Section 3. Tennessee Code Annotated, Section 8-34-206, is amended by adding a new subsection as follows:

( ) Notwithstanding § 8-35-109 or any other law to the contrary, membership in the retirement system shall be mandatory for any person employed on or after July 1, 1993, as a criminal investigator in the office of a district attorney general.

Section 4. Implementation of the provisions of this act shall be subject to the funding being provided in the General Appropriations Act to district attorneys general.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 2**

Amend House Bill No. 1578 by deleting paragraph two of the new subsection (7) of Tennessee Code Annotated, Section 8-34-206(a) in its entirety.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

**Amendment No. 3**

Amend House Bill No. 1578 by deleting from the amendatory language of Section 1 the language "July 1, 1993" and by substituting instead the language "July 1, 1994."

On motion, Amendment No. 3 was adopted.

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Rep. Byrd moved that **House Bill No. 1578**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on **House Bill No. 1578** and have this statement entered in the Journal: Rep(s). Arriola.

**SUPPLEMENTAL CALENDAR, CONTINUED**

**House Bill No. 2291** -- Administrative Procedure -- Directs state agency to deliver copies or drafts of certain documents upon request; requires rules incorporating federal regulations to quote federal regulations verbatim. Amends TCA, Title 4, Ch. 5.

Further consideration of **House Bill No. 2291**, previously considered on today's Calendar.

On motion, **House Bill No. 2291** was made to conform with **Senate Bill No. 2007**; the Senate Bill was substituted for the House Bill.

Rep. Johnson moved that **Senate Bill No. 2007** be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Johnson moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Johnson moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend Senate Bill No. 2007 by deleting the following sentence from Section 1:

Any rule filed in the office of the secretary of state prior to July 1, 1994, that fails to comply with this section shall expire on July 1, 1995, unless such rule is amended to comply with this section.

On motion, Amendment No. 3 was adopted.

Rep. Johnson moved that **Senate Bill No. 2007**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**\*Senate Bill No. 0980** -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of **Senate Bill No. 980**, previously considered on today's Calendar.

Rep. Buck requested that **Senate Bill No. 980** be moved down 3 places on the Calendar.

**House Bill No. 2388** -- Sexual Offenses -- Enacts "Sexual Offender Registration and Monitoring Act". Amends TCA, Titles 37, 39, 71.

Rep. Turner (Hamilton) moved that House Bill No. 2388 be passed on third and final consideration.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2388 by deleting item (x) in Section 3(3)(B) and by substituting instead the following:

(x) solicitation, under §39-1-401 or §39-118(b); attempt, under §39-1-501, §39-605, or §39-606; or conspiracy, under §39-1-601 or §39-1104; to commit any of the offenses enumerated within this subsection.

AND FURTHER AMEND by inserting the following language in Section 3(3)(B) as new, appropriately designated items immediately preceding item (x) and by appropriately redesignating item (x):

( ) criminal sexual conduct in the first degree, under Section 39-3703;

( ) criminal sexual conduct in the second degree, under Section 39-3704;

( ) criminal sexual conduct in the third degree, under Section 39-3705;

On motion, Amendment No. 1 was adopted.

House Bill No. 2388, as amended, passed on third and final consideration by the following vote:

Ayes. . . . .	99
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 99.

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A motion to reconsider was tabled.

**House Bill No. 2151 -- Highways, Roads and Bridges --** Requires designation and appropriately marked lanes by commissioner of transportation, responsible municipal authority or county legislative body, respectively, on appropriate state highways, municipal streets and county roads solely for use of bicycles. Amends TCA, Title 54.

On motion, House Bill No. 2151 was made to conform with **Senate Bill No. 2345**; the Senate Bill was substituted for the House Bill.

Rep. Robinson moved that **Senate Bill No. 2345** be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

Rep. Robinson moved that **Senate Bill No. 2345** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wittingham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 0988 -- Day Care --** Enacts "Day Care Incentive Act of 1993". Amends TCA, Title 67.

On motion, House Bill No. 988 was made to conform with **Senate Bill No. 237**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that **Senate Bill No. 237** be passed on third and final consideration.

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On motion, Rep. Bragg withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. McDaniel moved that Senate Bill No. 237 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Haltman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on House Bill No. 2435 and have this statement entered in the Journal: Rep(s). Coffey and Haltman Harwell.

SUPPLEMENTAL CALENDAR, CONTINUED

\*Senate Bill No. 0980 -- Courts -- Creates Missouri Plan system for supreme court justices and state trial court judges. Amends TCA 4-29-216; Title 16, Ch. 2, Pt. 5; Title 17, Ch. 4.

Further consideration of Senate Bill No. 980, previously considered on today's Calendar.

Rep. Buck moved that Senate Bill No. 980 be passed on third and final consideration.

Rep. Hargrove moved to withdraw the motion to adopt Amendment No. 10; he then moved to substitute Amendment No. 16 for Amendment No. 10, which motion prevailed.

Rep. Hargrove moved to adopt Amendment No. 16 as follows:

Amendment No. 16

AMEND Senate Bill No. 980 by deleting Section 1(a) and by substituting instead the following:

(a) After receiving the recommendations of the judicial evaluation guidelines commission and a period for public comment, the Supreme Court shall then adopt a rule establishing a judicial evaluation program for appellate court judges to aid the public in evaluating the performance of such judges. The judicial evaluation guidelines commission shall receive and consider the recommendations of the Tennessee Judicial Conference. The program shall direct the judicial evaluation commission to perform the required evaluations.

AND FURTHER AMEND by deleting from Section 1(b)(2) and by substituting instead the following:

(2) The judicial council shall appoint six (6) of the members of whom four (4) shall be state court judges and two (2) shall be nonlawyers.

by adding at the end of Section 1 the following new subsection:

( ) (1) There is hereby created a judicial evaluation guidelines commission. The judicial evaluation guidelines commission shall adopt a program for appellate court judges to aid the public in evaluating the performance of such judges.

(2) The judicial evaluation guidelines commission shall be composed of nine (9) members:

(A) One (1) member to be appointed by the court of judiciary;

(B) One (1) member to be appointed by the board of professional responsibility;

(C) One (1) member to be appointed by the judicial council who shall not be a lawyer;

(D) One (1) member to be appointed by the speaker of the house;

(E) One (1) member to be appointed by the speaker of the senate;

(F) The dean or designee of the dean from each of the following law schools:

(i) University of Memphis;

(ii) University of Tennessee;

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(iii) The Nashville School of Law; and

(iv) Vanderbilt University.

On motion, Amendment No. 16 was adopted.

Rep. Hargrove moved that Amendment No. 11 be withdrawn, which motion prevailed.

Rep. Hargrove moved that Amendment No. 12 be withdrawn, which motion prevailed.

Rep. Buck moved to adopt Amendment No. 13 as follows:

**Amendment No. 13**

Amend Senate Bill No. 980 by adding at the end of Section 1(a) the following language:

The supreme court shall notify the public of its rulemaking procedure for the judicial evaluation program under this section and shall elicit comments from interested parties.

On motion, Amendment No. 13 was adopted.

Rep. Shirley moved that Amendment No. 8 be withdrawn, which motion prevailed.

Rep. Shirley moved to adopt Amendment No. 14 as follows:

**Amendment No. 14**

AMEND Senate Bill No. 980 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Notwithstanding the provisions of Tennessee Code Annotated, Section 2-13-202, a political party shall nominate its candidates for justices of the supreme court and for judges of the court of appeals and the court of criminal appeals by vote of the members of the party in primary elections as provided by law, with the general election at the regular August election.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Buck moved to table Amendment No. 14, which motion prevailed by the following vote:



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Ayes. . . . .	61
Noes. . . . .	29
Present and not voting. . . . .	2

Representatives voting aye were: Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Love, McKee, Miller, Mires, Moore, Peroulas Draper, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Williamson), Windle, Wix, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Allen, Anderson, Callicott, Chiles, Davidson, Duer, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Joyce, Lewis, Liles, McAfee, McDaniel, Meyer, Odom, Owenby, Phillips, Ramsey, Rigsby, Shirley, Stamps, Stockburger, Stulce, Williams (Union), Winningham, Wood -- 29.

Representatives present and not voting were: Venable, Whitson -- 2.

Rep. Haun moved to adopt Amendment No. 15 as follows:

Amendment No. 15

AMEND Senate Bill No. 980 by adding the following as a short title the section to be appropriately designated:

SECTION \_\_\_\_\_. This act shall be known and may be cited as the "Tennessee Plan".

On motion, Amendment No. 15 was adopted.

Rep. Buck moved that **Senate Bill No. 980** be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	65
Noes. . . . .	32

Representatives voting aye were: Armstrong, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Garrett, Givens, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Love, Miller, Mires, Moore, Napier, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Whitson, Williams (Williamson).

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Windle, Winningham, Wix, Mr. Speaker Naifeh -- 65.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Callicott, Duer, Fowlkes, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Herron, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Odom, Peroulas Draper, Ramsey, Rigsby, Shirley, Stamps, Stockburger, Turner (Hamilton), Venable, Westmoreland, Williams (Shelby), Williams (Union), Wood -- 32.

Rep. Buck moved that **Senate Bill No. 980**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	64
Noes. . . . .	34

Representatives voting aye were: Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davis, DeBerry, Dixon, Fisher, Fowlkes, Garrett, Givens, Haley, Haun, Head, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McDaniel, Miller, Mires, Moore, Peroulas Draper, Phelan, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Wix, Mr. Speaker Naifeh -- 64.

Representatives voting no were: Allen, Anderson, Bell, Callicott, Chiles, Davidson, Duer, Ferguson, Gunnels, Halteman Harwell, Hargrove, Hassell, Herron, Joyce, Lewis, McAfee, McKee, Meyer, Napier, Odom, Owenby, Phillips, Pinion, Ramsey, Rigsby, Shirley, Stamps, Stockburger, Turner (Hamilton), Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 34.

A motion to reconsider was tabled.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**SUPPLEMENTAL CALENDAR, CONTINUED**

**House Bill No. 2429** -- Gas, Petroleum Products, Volatile Oils -- Includes local governments within tax exemption authorized for governmental agencies purchasing gasoline or distillate from local vendor. Amends TCA 67-3-402.

On motion, House Bill No. 2429 was made to conform with **Senate Bill No. 2388**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that **Senate Bill No. 2388** be passed on third and final consideration.

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On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Phelan moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2388 by deleting Section 3., the effective date section, in its entirety.  
Further amend by adding the following as appropriately designated sections:

Section \_\_\_\_\_. The Departments of Transportation and Finance and Administration are authorized to conduct a pilot project for implementing the provisions of this act from May 1, 1994, through December 31, 1994. These Departments shall then jointly submit a report to the Speakers of the House and Senate summarizing pilot project results.

Section \_\_\_\_\_. Solely for the purpose of carrying out the pilot project provisions contained herein, this act shall take effect on May 1, 1994, the public welfare requiring ti. For all other purposes, this act shall take effect on January 1, 1995, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senate Bill No. 2388, as amended, passed on third and final consideration by the following vote:

Ayes. . . . .	76
Noes. . . . .	13
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Knight, Liles, Love, McDaniel, McKee, Meyer, Mires, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Callicott, Duer, Gunnels, Hassell, Herron, Joyce, McAfee, Moore, Pinion, Rigsby, Shirley, Stockburger, Wood -- 13.

Representatives present and not voting were: Venable -- 1.

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A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 2388 and have this statement entered in the Journal: Rep(s). Meyer.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on Senate Bill No. 2388 and have this statement entered in the Journal: Rep(s). Whitson.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**House Bill No. 0256** -- County Government -- Revises duties and functions of county public records commissions; mandates that such commissions be created. Amends TCA, Title 10, Ch. 7.

On motion, House Bill No. 256 was made to conform with **Senate Bill No. 131**; the Senate Bill was substituted for the House Bill.

Rep. Bragg moved that Senate Bill No. 131 be passed on third and final consideration.

On motion, Rep. Herron withdrew Judiciary Committee Amendment No. 1.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 2 as follows:

#### Amendment No. 2

Amend Senate Bill No. 131 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Nothing in this act shall be construed to permit or authorize a county public records commission, a court clerk, a county or municipal official or any other person from destroying or authorizing the destruction of any original process in a civil action or criminal proceeding.

On motion, Amendment No. 2 was adopted.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 3, seconded by Rep. Bragg.

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Rep. Chumney moved to withdraw the motion to adopt Amendment No. 3, which motion prevailed. On motion, Rep. Bragg withdrew the motion to second Amendment No. 3.

Rep. Bragg moved to reconsider action on Amendment No. 1, which motion prevailed.

Rep. Chumney moved to adopt Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 131 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-401, is amended by deleting the section in its entirety and substituting instead the following:

In order to provide for the orderly disposition of public records created by agencies of county government, the county legislative body shall create within the county a county public records commission, composed of six (6) members. The county executive shall appoint three (3) members and the county legislative body shall confirm each appointee. Of the three (3) appointees, one (1) shall be a member of the county legislative body, one (1) shall be a judge of one of the courts of record which holds court in the county, and one (1) shall be a genealogist. The county clerk, county register and the county historian shall be ex officio members of the commission. Each elected member of the commission shall hold office during the term for which the member was elected to office. If a vacancy occurs in one of the appointed positions, the county executive shall appoint a person in the same manner as the original appointment.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved to adopt Judiciary Committee Amendment No. 3, as follows:

**Amendment No. 3**

Amend Senate Bill No. 131 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Nothing in this act shall be construed to permit or authorize a county public records commission, a court clerk, a county or municipal official or any other person from destroying or authorizing the destruction of any original process in a civil action or criminal proceeding.

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On motion, Amendment No. 3 was adopted.

Rep. Bragg moved that **Senate Bill No. 131**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2767** -- Education -- Requires state boards of education to develop conflict management program in school system in cooperation with board of education for Memphis school system. Amends TCA, Title 49.

On motion, House Bill No. 2767 was made to conform with **Senate Bill No. 2756**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that **Senate Bill No. 2756** be passed on third and final consideration.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

**Senate Bill No. 2756** passed on third and final consideration by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love,

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McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*Senate Bill No. 0145 -- Criminal Offenses --** Authorizes T.B.I. to investigate destruction of property by explosives. Amends TCA, Titles 4, 8, 38, 57, 65, 68, 70.

Rep. Kernell requested that Senate Bill No. 145 be moved to the heel of the Calendar.

**\*House Bill No. 1683 -- Trusts --** Establishes special 4-H endowment funds in the Tennessee 4-H Club Foundation at UT Institute of Agriculture for purpose of promoting 4-H projects in each district.

Rep. Givens moved that House Bill No. 1683 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

House Bill No. 1683 by deleting the first sentence of the second paragraph of Section 13 and by substituting instead the following:

The state shall match the funds of each 4-H district in an amount not to exceed thirty thousand dollars (\$30,000) per district.

On motion, Amendment No. 1 was adopted.

Rep. Givens moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

Amend House Bill No. 1683 by deleting the first sentence of the second paragraph of the amendatory language of SECTION 1 and substituting instead the following:

The state shall match the funds raised by each 4-H district up to one hundred thousand dollars (\$100,000) as money in the endowment fund becomes available through the general

appropriations act or grants. No district may receive matching funds totaling more than one-sixth (1/6) of the amount of money in the endowment fund during any fiscal year. If at the end of a fiscal year there remains money in such fund, districts which have raised more than one-sixth (1/6) of the money available during that year shall be entitled to a pro rata match of the money remaining in the fund.

On motion, Amendment No. 2 was adopted.

Rep. Givens moved that **House Bill No. 1683**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0461** -- General Assembly, Studies -- Creates special joint committee to review state's petroleum underground storage tank regulatory program and examine alternative funding mechanisms.

Rep. Bragg moved that House Joint Resolution No. 461 be adopted.

Rep. Bragg moved to adopt Amendment No. 1 as follows:

#### Amendment No. 1

Amend House Joint Resolution No. 461 by adding the following language immediately following the words "Tennessee Environmental Council;" in the first sentence of the third resolving clause:

one (1) representative of the Tennessee Automotive Association;



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On motion, Amendment No. 1 was adopted.

House Joint Resolution No. 461, as amended, was adopted by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE  
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MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 301, 445, 502, 506, 508, 509 and 510; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

\*Senate Joint Resolution No. 0301 -- General Assembly, Studies -- Creates special joint committee to study impact of undisciplined youth on public school system and to develop "halfway" program for students re-entering public school population. by \*Albright.

\*Senate Joint Resolution No. 0445 -- Highway Signs -- "Dr. George L. Kline Memorial Highway," Highway 27, Scott County. by \*O'Brien.

Senate Joint Resolution No. 0502 -- Memorials, Death -- Sarah Stockstill. by \*McNally.

Senate Joint Resolution No. 0506 -- Memorials, Sports -- Bradford High School boys' basketball team and Coach Johnny White. by \*McKnight.

Senate Joint Resolution No. 0508 -- Memorials, Interns -- Timothy Gilliland. by \*Kyle.

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**Senate Joint Resolution No. 0509** -- Memorials, Professional Achievement -- John and Lucy Buchanan. by \*Cohen.

**Senate Joint Resolution No. 0510** -- Memorials, Interns -- Jennifer E. Bond. by \*Crutchfield.

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MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2880, 2884 and 2885; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 2880** -- Boards and Commissions -- Allows members of Blount County Commission to serve on certain boards, commissions, committees or authorities over which it has appointing power. by \*Koella.

**\*Senate Bill No. 2884** -- Stone, Stone Products -- Provides for use in Rutherford County of borrow pits for construction purposes, provided material from borrow pit not used for supplying material for certain specified plants. by \*Womack.

**\*Senate Bill No. 2885** -- County Officers -- Grants law enforcement authority to constables in Grundy County. Amends TCA, Title 8, Ch. 10, 40-6-210, 55-8-152, 55-9-414, 57-5-202, 57-9-101. by \*Cooper.

**RULES SUSPENSION**

Rep. Purcell moved to suspend the rules so that the following resolutions could be added to the Consent Calendar: House Joint Resolution No. 720; Senate Joint 439 and 445; House Resolution No. 240 and House Joint Resolution No. 729.

**CONSENT CALENDAR**

**House Bill No. 2107** -- Bond Issues -- Exempts health and educational facility corporation bonds issued to refinance costs incurred by private school to operate hospital and training facilities for students from present two year repayment requirement. Amends TCA 48-3-301.

On motion, House Bill No. 2107 was made to conform with **Senate Bill No. 2390**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2520** -- Health -- Requires posting of sign in restroom facilities available to public; sign to read "FOR GOOD HEALTH, PLEASE WASH YOUR HANDS"; failure to post sign subjects entity to civil fine of \$50.00. Amends TCA, Title 68, Ch. 2.

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**House Bill No. 2370 -- Capital Punishment --** Adds requirement for felony murder that defendant knowingly committed murder; requirement of knowledge includes defendant aware of nature of conduct or aware that conduct is reasonably certain to cause result. Amends TCA 39-13-204.

**House Bill No. 2372 -- Criminal Procedure --** Deletes specific list of crimes for assessing \$75.00 criminal prosecution fee regardless of amount alleged to be stolen; incorporates by reference offenses against property in TCA Title 39, Chapter 14. Amends TCA 40-3-204.

On motion, House Bill No. 2372 was made to conform with **Senate Bill No. 2001**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 2902 -- Boards and Commissions --** Allows members of Blount County Commission to serve on certain boards, commissions, committees or authorities over which it has appointing power.

On motion, House Bill No. 2902 was made to conform with **Senate Bill No. 2880**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2756 -- Law Enforcement --** Makes use of uniform traffic citation forms optional. Amends TCA 55-10-208.

On motion, House Bill No. 2756 was made to conform with **Senate Bill No. 2741**; the Senate Bill was substituted for the House Bill.

**\*Senate Joint Resolution No. 0406 -- Highway Signs --** "Edwin Hickman Memorial Bridge," spanning Duck River on S.R. 48 and 100, Hickman County.

**\*House Joint Resolution No. 0669 -- Highway Signs --** "Ewell Bouldin Bridge," South Fork of Obion River on S.R. 436, Carroll County.

**\*Senate Joint Resolution No. 0440 -- Naming and Designating --** "Spring Sports Fling Week," May 24-29, 1994.

**House Joint Resolution No. 0696 -- Naming and Designating --** "A Day of Prayer in Tennessee," May 10, 1994.

**\*Senate Joint Resolution No. 0298 -- Memorials, Government Officials --** Urges local school systems to implement alternative school programs.

**\*House Joint Resolution No. 0657 -- Naming and Designating --** Ramp Festival, 1994.

**\*House Resolution No. 0157 -- General Assembly, Directed Studies --** Requests DOT to conduct feasibility study relative to extension and widening of certain highway in Northeast Tennessee.

**\*House Joint Resolution No. 0580 -- General Assembly, Studies --** Creates special joint committee on public service television.

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**House Joint Resolution No. 0677** -- Naming and Designating -- "Melvin Robinson Day," April 17.

**House Joint Resolution No. 0707** -- Naming and Designating -- "Dr. Martin Luther King, Jr. Solidarity Day," June 19, 1994.

**House Resolution No. 0229** -- Naming and Designating -- "Management Week," June 6-11, 1994.

**House Joint Resolution No. 0701** -- Naming and Designating -- "Better Hearing and Speech Month," May 1994.

**House Bill No. 2908** -- County Officers -- Grants law enforcement authority to constables in Grundy County. Amends TCA, Title 8, Ch. 10, 40-6-210, 55-8-152, 55-9-414, 57-5-202, 57-9-101.

On motion, House Bill No. 2908 was made to conform with **Senate Bill No. 2885**; the Senate Bill was substituted for the House Bill.

**\*House Joint Resolution No. 0565** -- General Assembly, Studies -- Continues special joint committee created by HJR 82 of the 98th General Assembly to study coordination and cooperation among federal, state and local drug enforcement agencies.

**\*House Joint Resolution No. 0519** -- General Assembly, Studies -- Continues special joint committee created by HJR 37 of 98th General Assembly to study affordability of housing.

**Senate Joint Resolution No. 0505** -- General Assembly, Statement of Intent or Position -- Urges 1996 Bicentennial Commission to designate Washington College Academy as "Tennessee Bicentennial School".

**\*House Joint Resolution No. 0610** -- General Assembly, Studies -- Creates special joint committee on water safety and related issues.

The following resolutions were introduced and placed on the Consent Calendar pursuant to Rule No. 17, as suspended, or by motion:

**House Resolution No. 0231** -- Memorials, Interns -- Eric Martin. by \*Herron.

**House Resolution No. 0232** -- Memorials, Interns -- A. Joelle Howard. by \*Brown.

**House Resolution No. 0233** -- Memorials, Public Service -- Dr. Axel Hansen, Distinguished Service Professor Emeritus at Meharry Medical College. by \*Love.

**House Resolution No. 0234** -- Memorials, Congratulations -- Constance Elliott. by \*Love.

**House Resolution No. 0235** -- Memorials, Academic Achievement -- Neal Oldham, Alicia Harmon, Glen Arnold, Jamie Roney, Jennifer

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Huffstetler, Samantha McAlister, Steven Thomas, Nimesh Patel, Elizabeth Brasher, Stephanie Connell, Jennifer Rachels and Chris Webber, Valedictorians and Salutatorians of Weakley County. by \*Herron.

**House Resolution No. 0237 -- Memorials, Recognition and Thanks**  
-- Jane Eskind, Fisk University contributor. by \*Love, \*Pruitt.

**House Resolution No. 0238 -- Memorials, Professional Achievement**  
-- Dr. Henry Ponder: 10th anniversary of serving as President of Fisk University. by \*Love, \*Pruitt

**House Resolution No. 0239 -- Memorials, Recognition and Thanks**  
-- Tennessee State University College of Business. by \*Love, \*Pruitt.

**House Joint Resolution No. 0721 -- Memorials, Professional Achievement** -- Cecelia Adkins, Chair, Fisk University Board of Trustees. by \*Love, \*Pruitt.

**House Joint Resolution No. 0722 -- Memorials, Public Service** -- Martha O'Brien Center, 100th birthday celebration. by \*Purcell.

**House Joint Resolution No. 0723 -- Memorials, Personal Occasion**  
-- C. N. Armour, 100th birthday. by \*Crain, \*Robinson.

**House Resolution No. 0236 -- Memorials, Retirement** -- Charles Frazier, Director of Metro Schools. by \*Love, \*Pruitt.

**House Joint Resolution No. 0724 -- Memorials, Recognition and Thanks** -- Leukemia Society of America, Inc. by \*Jackson.

**House Joint Resolution No. 0728 -- Memorials, Professional Achievement** -- Dr. Henry Ponder. by \*Love, \*Pruitt.

**House Resolution No. 0241 -- Memorials, Sports** -- 1993-1994 Powell Valley High School boys' basketball team. by \*Williams Micheal.

**House Resolution No. 0242 -- Memorials, Retirement** -- Dr. David H. Grubbs. by \*Bragg, \*Liles, \*Fowlkes.

**\*House Joint Resolution No. 0720 -- Highway Signs** -- "Shelby A. Rhinehart Highway," SR 111, VanBuren County. by \*Hillis, \*Naifeh, \*Robinson, \*Haun, \*Davis Ronnie, \*Huskey, \*Armstrong, \*Bragg, \*Kent, \*Purcell, \*Head, \*Severance, \*Kisber.

**House Resolution No. 0240 -- Naming and Designating** -- Successful School Attendance and Dropout Prevention Month, October, 1994. by \*Armstrong, \*Severance, \*Boyer, \*Tindell, \*Ritchie, \*Peroulas Draper, \*Bittle.

**House Joint Resolution No. 0729 -- Memorials, Death** -- Dr. Taylor Lincoln Hopper. by \*Herron, \*Ridgeway.

The following resolutions were placed on the Consent Calendar

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pursuant to Rule No. 17, as suspended, or by motion.

**Senate Joint Resolution No. 0502 -- Memorials, Death -- Sarah Stockstill.**

**Senate Joint Resolution No. 0506 -- Memorials, Sports -- Bradford High School boys' basketball team and Coach Johnny White.**

**Senate Joint Resolution No. 0508 -- Memorials, Interns -- Timothy Gilliland.**

**Senate Joint Resolution No. 0509 -- Memorials, Professional Achievement -- John and Lucy Buchanan.**

**Senate Joint Resolution No. 0510 -- Memorials, Interns -- Jennifer E. Bond.**

**\*Senate Joint Resolution No. 0439 -- General Assembly, Studies -- Creates special joint committee to study premium finance companies.**

**\*Senate Joint Resolution No. 0445 -- Highway Signs -- "Dr. George L. Kline Memorial Highway," Highway 27, Scott County.**

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 2520; by Reps. Allen and Chiles.**

Under the rules, House Bill No. 2520 was/were placed at the foot of the calendar for Wednesday, April 20, 1994.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey,

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Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**House Bill No. 1137** -- Welfare -- Establishes interagency coordination council on welfare independence. Amends TCA, Title 37, Ch. 3, Pt. 1; Title 71, Ch. 3.

Further consideration of House Bill No. 1137, previously considered on today's Calendar.

On motion, House Bill No. 1137 was made to conform with **Senate Bill No. 1089**; the Senate Bill was substituted for the House Bill.

Rep. Arriola moved that **Senate Bill No. 1089** be passed on third and final consideration.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 1.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 2.

On motion, Rep. Dixon withdrew Health and Human Resources Committee Amendment No. 3.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 4 as follows:

#### Amendment No. 4

AMEND Senate Bill No. 1089 by deleting Section 2 in its entirety, and by substituting instead the following language:

SECTION 2. There is hereby established an interagency coordination council on welfare independence. Membership of the council shall consist of the administrative head, or such person's permanent appointee of agencies of state government that administer programs or services, or that are empowered to administer programs or services, to assist welfare recipients in obtaining educational, social, and/or employment skills needed to achieve economic independence. Such membership shall include representation from the following agencies: the departments of education, health, human services, and labor; and the commission on children and youth. The state planning office, the Tennessee child care facilities corporation, the Tennessee housing development agency, the state university and community

college system, the University of Tennessee system, the Tennessee higher education commission and the departments of economic and community development, employment security, and finance and administration shall provide resource persons on an ex-officio, nonvoting basis, as needed by the council. The council membership shall also include private citizens of recognized preeminence within the fields of business and industry representing the Tennessee Association of Business and the Tennessee Business Roundtable. The council membership shall also include representatives from the following organizations, who are active statewide in the welfare field: Catholic Public Policy Commission, League of Women Voters of Tennessee, Tennessee Association of Legal Services, Tennessee Conference on Social Welfare, Tennessee Chapter of the National Association for the Advancement of Colored People, Tennessee Hunger Coalition and the Urban Leagues of Tennessee. The council shall also include at least two (2) program recipients to assure consumer participation. The appointment of all of the aforementioned council members shall proportionally reflect the racial characteristics of the total welfare population in the Aid to Families with Dependent Children Program of the state of Tennessee. Additionally, the membership of the council shall include two (2) members of the general welfare, health, and human resources committee of the senate, and two (2) members of the health and human resources committee of the house of representatives, to be appointed by the chairs of those committees. Further, the chair of the select joint committee on children and youth and one (1) additional legislator who serves on such select committee and is from the other house than that represented by the chair, to be selected by the chair, shall also serve as members of the council. All legislators serving on the council shall be ex-officio, nonvoting members. Private citizens serving on the council shall not receive a salary but, while engaged in council business, may be reimbursed for travel expenses in accordance with the provisions of the state comprehensive travel regulations as promulgated by the commissioner of finance and administration and approved by the attorney general and reporter. All legislative members of the council shall be paid as members of the general assembly are paid for attending legislative meetings as provided in Tennessee Code Annotated, Section 3-1-106.

On motion, Amendment No. 4 was adopted.

Rep. Arriola moved to adopt Amendment No. 5 as follows:

**Amendment No. 5**

Amend Senate Bill No. 1089 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:



Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 5 was adopted.

Rep. Brooks moved to adopt Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 1089 by inserting the following between the first and second sentences of Section 2 as amended by House, Human and Health Resources Committee Amendment Number Four:

The council shall elect a chair annually from the legislative members appointed to the council. The commissioner of human services or such commissioner's permanent designee shall serve as vice-chair. The chair shall appoint the citizen members to the council. To expedite the work of the council, the chair may divide the membership of the council into two (2) or more work groups.

AND FURTHER AMEND by inserting the words ", welfare advocacy groups" immediately following the words "Tennessee Hunger Coalition" in the sixth sentence of Section 2 as amended by House, Human and Health Resources Committee Amendment Number Four.

On motion, Amendment No. 6 was adopted.

Rep. Arriola moved that **Senate Bill No. 1089**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West,

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Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE  
April 20, 1994**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2065.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2; withdrew Amendment No. 2; adopted Amendment No. 3; reconsidered adoption of Amendment No. 1; withdrew Amendment No. 1; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2094 -- Criminal Offenses --** Expands offense of parent knowing minor is in illegal possession of firearm on school or public property, to include standard of whether parent should have known; violation Class A misdemeanor. Amends TCA 39-17-1312.

Further consideration of House Bill No. 2094, previously considered on today's Calendar.

Rep. Moore moved that **House Bill No. 2094** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Bill No. 2116 -- Education --** Provides that legislative intent in education of handicapped children is to meet needs of children but no longer to maximize their capabilities. Amends TCA 49-10-101.

Further consideration of House Bill No. 2116, previously considered on today's Calendar.

On motion, House Bill No. 2116 was made to conform with **Senate Bill No. 2065**; the Senate Bill was substituted for the House Bill.

Rep. Haley moved that **Senate Bill No. 2065** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**House Resolution No. 0216 -- Memorials, Public Service --** Representative Dennis Ferguson.

Further consideration of House Resolution No. 216, previously

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considered on today's Calendar.

Rep. Windle moved that **House Resolution No. 216** be adopted, with all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Fisher, Fowlkes, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Winningham, Wix, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Gunnels, Windle -- 2.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**MESSAGE FROM THE SENATE**  
**April 20, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 301; passed by the Senate.

CLYDE W. McCULLOUGH, JR.  
Chief Clerk.

Senate Bill No. 0301 -- Bond Issues -- Authorizes \$48,215,000 bond issue to be allocated by department of finance and administration for state purposes. by Womack, et al.

**SUPPLEMENTAL CALENDAR, CONTINUED**

Senate Bill No. 1357 -- District Attorneys -- Creates new criminal investigator position in office of district attorney general for third judicial district, effective July 1, 1993. Amends TCA 16-2-506.

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Further consideration of Senate Bill No. 1357, previously considered on today's Calendar.

Rep. Clark moved to suspend the rules, so that the Calendar and Rules Committee could meet to consider Senate Bill No. 1357, which motion he then withdrew.

Rep. Givens moved that **Senate Bill No. 1357** be re-referred to the Calendar and Rules Committee, which motion prevailed.

**\*House Bill No. 0198 -- Bond Issues --** Authorizes \$48,215,000 bond issue to be allocated by department of finance and administration for state purposes.

Further consideration of House Bill No. 198, previously considered on today's Calendar.

On motion, House Bill No. 198 was made to conform with **Senate Bill No. 301**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that **Senate Bill No. 301** be passed on third and final consideration.

Rep. Kent moved the previous question, which motion prevailed.

Rep. Jackson moved that **Senate Bill No. 301** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Allen -- 1.

A motion to reconsider was tabled.

**House Bill No. 2621 -- Teachers --** Grants up to one year paid

leave of absence to teacher injured by violent criminal act in course of teacher's employment activities. Amends TCA, Title 49, Ch. 5, Pt. 7.

Further consideration of House Bill No. 2621, previously considered on today's Calendar.

Rep. West moved that House Bill No. 2621 be passed on third and final consideration.

Rep. Davidson requested that Education Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 2**

Amend House Bill No. 2621 by deleting the first sentence from the amendatory language of Section 1 of the printed bill and substituting the following:

Whenever a teacher is absent from assigned duties as a result of personal injury caused by a physical assault or other violent criminal act committed against the teacher in the course of the teacher's employment activities, the teacher shall receive benefits, comparable to a workers' compensation program, for up to one (1) year after the injury, if the local education agency has workers' compensation coverage. If the local education agency does not have workers' compensation coverage, the benefits, procedures, and standards for determining eligibility shall be the same as if the local education agency had workers' compensation.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Davidson withdrew Education Committee Amendment No. 1.

Rep. West moved that House Bill No. 2621, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent,

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Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2355 -- Hospitals and Health Care Facilities --** Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.

Further consideration of House Bill No. 2355, previously considered on today's Calendar.

Rep. Purcell moved that House Bill No. 2355 be passed on third and final consideration.

Rep. Purcell requested that House Bill No. 2355 be moved to the head of Message Calendar.

**Senate Bill No. 0145 -- Criminal Offenses -- Authorizes T.B.I.** to investigate destruction of property by explosives. Amends TCA, Titles 4, 8, 38, 57, 65, 68, 70.

Further consideration of Senate Bill No. 145, previously considered on today's Calendar.

Rep. Kernell requested that Senate Bill No. 145 be moved to the heel of Message Calendar.

**House Bill No. 2520 -- Health --** Requires posting of sign in restroom facilities available to public; sign to read "FOR GOOD HEALTH, PLEASE WASH YOUR HANDS"; failure to post sign subjects entity to civil fine of \$50.00. Amends TCA, Title 68, Ch. 2.

On motion, House Bill No. 2520 was made to conform with **Senate Bill No. 2577**; the Senate Bill was substituted for the House Bill.

Rep. DeBerry moved that **Senate Bill No. 2577** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross,

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Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2355** -- Hospitals and Health Care Facilities -- Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.

Further consideration of House Bill No. 2355, previously considered on today's Regular Calendar.

Rep. Purcell requested that House Bill No. 2355 be moved to the heel of the Message Calendar.

**MESSAGE CALENDAR**

**CONFERENCE COMMITTEE REPORT**

**House Bill No. 1866** -- Banks and Financial Institutions -- Provides that financial institution or its officers or employees are not acting as fiduciary to customers or third parties, except if written agency or trust agreement exists. Amends TCA, Title 45, Ch. 1.

Rep. Rhinehart moved to withdraw the Majority Conference Committee Report and substitute the Minority Conference Committee report, which motion prevailed.

Rep. Rhinehart moved adoption of the Conference Committee Report.

**CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 1866**

Conference Committee Report on  
Senate Bill No. 1981 / House Bill No. 1866

A minority of the House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 1981/House Bill No. 1866 has met and recommends that the following Senate amendments be adopted: 2, 3,

and 4; and recommends that the following amendments be adopted:

AMEND by deleting subsection (c) of Section 1 and by substituting instead the following:

(c) It is the legislative intent that the provisions of this section are not intended to restrict, alter or modify a court's application of the equitable doctrines of resulting or constructive trusts.

AND FURTHER AMEND by adding the following to the end of subsection (a) of Section 1:

If through a course of conduct employees or officers of a financial institution either promise to act as a fiduciary or hold themselves out to a customer or a third party to be a fiduciary or acting in furtherance of a fiduciary duty, and if such customer or third party relies on such employees' or officers' promise or conduct as a fiduciary, then this act may not be construed to limit the claim of such customer or third party for breach of a fiduciary duty.

Senator Ray Albright  
Senator Bud Gilbert  
Senator James Kyle  
Senator Robert Rochelle  
Senator Andy Womack

Rep. Shelby Rhinehart  
Rep. Dan Byrd  
Rep. David Coffey  
Rep. Jere Hargrove  
Rep. I.V. Hillis

Rep. Bragg moved the previous question, which motion failed by the following vote:

Ayes. . . . .	46
Noes. . . . .	35
Present and not voting. . . . .	7

Representatives voting aye were: Anderson, Bell, Byrd, Clark, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Duer, Fisher, Givens, Hargrove, Head, Hillis, Jackson, Johnson, Kent, Kernell, Knight, Lewis, Love, McAfee, Mires, Moore, Napier, Peroulas Draper, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Stulce, Thompson, Tindell, Walley, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 46.

Representatives voting no were: Allen, Armstrong, Bittle, Brooks, Callicott, Chumney, Coffey, Dixon, Fowlkes, Gunnels, Haley, Halteman Harwell, Hassell, Herron, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Liles, McDaniel, McKee, Owenby, Phillips, Ramsey, Robinson, Shirley, Stamps, Stockburger, Turner (Hamilton), Turner (Shelby), Venable, Westmoreland, Williams (Shelby), Williams (Union), Wood -- 35.

Representatives present and not voting were: Bragg, Brown, Buck, Haun, Ritchie, West, Williams (Williamson) -- 7.



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Rep. McAfee moved the previous question, which motion prevailed.

The Conference Committee on **House Bill No. 1866** was adopted and made the action of the House by the following vote:

Ayes. . . . .	57
Noes. . . . .	32
Present and not voting. . . . .	5

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Boyer, Bragg, Byrd, Callicott, Chiles, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Hargrove, Haun, Head, Hillis, Huskey, Jackson, Johnson, Joyce, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Phelan, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Severance, Stockburger, Thompson, Tindell, Walley, Whitson, Windle, Winningham, Wix, Wood -- 57.

Representatives voting no were: Allen, Brooks, Brown, Buck, Chumney, Coffey, Cross, DeBerry, Dixon, Halteman Harwell, Hassell, Herron, Jones R (Shelby), Jones U (Shelby), Kent, Knight, Miller, Odom, Owenby, Peroulas Draper, Phillips, Ramsey, Robinson, Shirley, Stamps, Stulce, Turner (Hamilton), Turner (Shelby), Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson) -- 32.

Representatives present and not voting were: Kernell, Ritchie, Venable, West, Mr. Speaker Naifeh -- 5.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on the Conference Committee Report on **House Bill No. 1866** and have this statement entered in the Journal: Rep(s). Kernell and Arriola.

**SUPPLEMENTAL CALENDAR, CONTINUED**

**\*Senate Bill No. 0145** -- Criminal Offenses -- Authorizes T.B.I. to investigate destruction of property by explosives. Amends TCA, Titles 4, 8, 38, 57, 65, 68, 70.

Further consideration of **Senate Bill No. 145**, previously considered on today's Supplemental Calendar.

Rep. Kernell requested that **Senate Bill No. 145** be moved to the heel of the messages.

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MESSAGE FROM THE SENATE

April 20, 1994

MR. SPEAKER: I am directed by the Senate to return House, House Bill No. 1888.

CLYDE W. McCULLOUGH, Jr., Chief Clerk.

MESSAGE FROM SENATE

April 20, 1994

MR. SPEAKER: I am directed to request the return of House Bill No. 2361 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1994

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 0794.

The Senate concurred in House Amendment(s) No(s).4, and nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2736 and 2900; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 466, 468, 487 and 499; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Bill No. 2174.

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The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2745.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 2, withdrew Amendment No. 2, adopted Amendment No. 4, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1644; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE  
April 20, 1994**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 2693.

The Senate concurred in House Amendment(s) No(s). 3 and 6; and nonconcurred in House Amendment(s) No(s). 5.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
April 20, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2158, 2260 and 2834.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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**ENGROSSED BILLS**  
**April 20, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1580, 1761 and 2443.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 829; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2284; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2276; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2287; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 843; substituted for Senate Bill(s) on same

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subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS  
April 20, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1961, 2677, 2746 and 2761; also, House Joint Resolution(s) No(s). 725, 726 and 727.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
April 20, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2435 and 2768.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
April 20, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2015 and 2387.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
April 20, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2370 and 2388; also, House Joint Resolution(s) No(s). 461, 519, 565, 610, 657, 669, 696, 707 and 721.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
April 20, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2285.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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**ENGROSSED BILLS  
April 20, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1578.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS  
April 20, 1994**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2621.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
April 20, 1994**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 575, 591 and 933; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 0575** -- Education -- Increases from 5 to 10 percent funding bonus for consolidating school systems. Amends TCA, Titles 49, 67. by \*Ford, \*Koella.

**\*Senate Bill No. 0591** -- Apportionment, Legislative -- Moves precinct 27-3 from Senate District 21 to Senate District 17. Amends TCA 3-1-102. by \*Rochelle.

**\*Senate Bill No. 0933** -- Districting, Congressional -- Revises composition of congressional districts. Amends TCA 2-16-103. by \*Patten.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2355** -- Hospitals and Health Care Facilities -- Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.

Further consideration of House Bill No. 2355, previously considered on today's Regular Calendar.

**RECOGNITION**

Rep. DeBerry requested that Ms. Betty Haynes, Chief Administrative Officer to the Governor, approach the well for recognition and remarks.

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**RULES SUSPENDED**

**House Joint Resolution No. 0730 -- Memorials, Public Service --**  
Betty Haynes, Chief Administrative Officer to the Governor. by  
\*DeBerry, \*Chumney.

Rep. Chumney moved to suspend the rules for the immediate introduction and adoption of House Joint Resolution No. 730, with the request that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**ENGROSSED BILLS**  
**April 20, 1994**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1683; also, House Joint Resolution(s) No(s). 580, 677, 701, 720, 722, 723, 724, 728, 729 and 730.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REGULAR CALENDAR, CONTINUED**

Rep. Purcell requested that House Bill No. 2355 be moved to the heel of the Calendar.

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 0829 -- Crime, Victims of -- Enacts "Victim**

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Compensation from the Proceeds of the Crime Act of 1993". Repeals TCA, Title 29, Ch. 13, Pt. 2.

Senate Amendment No. 2

AMEND House Bill No. 829 by deleting the amendatory language in Section 3(a) in its entirety and by substituting instead the following:

(a) The Attorney General shall collect all income, from whatever source derived, which is owing to the defendant, or representative or assignee of the defendant, after the date of the crime.

AND FURTHER AMEND by deleting items 4 and 5 of Section 1 in their entirety and by renumbering the subsequent items accordingly.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 829, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2745 -- State Government -- Codifies Information Systems Council created by Executive Order #18 of 1983. Amends TCA, Title 4; Title 12, Chs. 3, 4.

Senate Amendment No. 4

AMEND House Bill No. 2745 by deleting, in its entirety, Senate Amendment Number 2 which reads as follows:

"by adding a new section to be appropriately numbered immediately preceding the effective date section to read as follows:



Section \_\_\_\_\_. Nothing in this act shall be construed to change or alter in any respect existing purchasing laws for the procurement of goods and/or services."

AND FURTHER AMEND by adding the following language at the end of Section 5:

It is the legislative intent that the Information Systems Council, in establishing procurement policy pursuant to this section, select the purchasing method for a procurement that, in the sole discretion of the council, will produce the lowest and best overall costs to the state. In making the determination of which method would produce the lowest and best overall costs, the Council shall consider, when appropriate, the costs of the hardware, software development, operations, maintenance, and such other factors as the Council determines to be relevant.

AND FURTHER AMEND by adding the following as a new section immediately preceding the effective date section and by renumbering the final section accordingly:

Section \_\_\_\_\_. If any clauses, words, provisions, or sections of this act, including any provisions for the membership of the Council, are found to be unconstitutional or invalid, it is the intent of the general assembly that the remaining clauses, words, provisions, or sections of this act be upheld and that the Council continue to function with the remainder of the membership not held to be unconstitutional or invalid.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 4 to House Bill No. 2745, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

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A motion to reconsider was tabled.

MESSAGE FROM THE SENATE  
April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1961; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE CALENDAR, CONTINUED

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 1961 -- Administrative Procedure -- Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1994.

Senate Amendment No. 6

Amend House Bill No. 1961 by changing the date listed from "August 31, 1994" to "Sept. 1, 1996".

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 6 to House Bill No. 1961, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2287 -- Education -- Authorizes certain municipalities to establish school safety zones to deter drug and weapons activities.

Senate Amendment No. 2

AMEND House Bill No. 2287 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Any county or municipality is hereby authorized to establish school safety zones.

Rep. Armstrong moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 2287, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Mires moved to lift from the table the motion to reconsider Senate Bill No. 1774, which motion prevailed.

**\*Senate Bill No. 1774 -- Taxes, Real Property --** Requires state to pay penalty and interest in property tax appeal matters in certain circumstances. Amends TCA 67-5-1512.

Rep. Mires moved to reconsider action in passing Senate Bill No. 1774, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2.

Rep. Mires moved that Senate Bill No. 1774 be re-referred to the Calendar and Rules Committee, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 0843 -- DUI/DWI Offenses -- Increases fines for DUI convictions; dedicates funds from such increase to increased education and treatment of DUI offenders. Amends TCA, Title 55, Ch. 10.

Senate Amendment No. 6

AMEND House Bill No. 843 by deleting Section 4 in its entirety and substituting instead the following:

SECTION 4.

(a) The proceeds from the increased portion of the fines for driving under the influence of an intoxicant provided for in this act shall be collected by the respective court clerks and then deposited in a dedicated county fund. Such fund shall not revert to the county general fund at the end of a fiscal year but shall remain for the purposes set in this section. For purposes of this section, the increased portion of the fine shall for all purposes be considered to be the first one hundred dollars (\$100) collected after the initial collection of two hundred fifty dollars (\$250) on a first offense, the first one hundred dollars (\$100) collected after the initial collection of five hundred dollars (\$500) on a second offense, and the first one hundred dollars (\$100) collected after the initial collection of one thousand dollars (\$1,000) on a third or subsequent offense.

AND FURTHER AMEND by adding the following new section immediately after Section 4 and by renumbering the subsequent sections accordingly:

SECTION 5. The respective counties shall be authorized to expend the funds generated by the increased fines provided for in this act by appropriations to alcohol and drug treatment facilities licensed by the department of mental health and mental retardation; metropolitan drug commissions or other similar programs sanctioned by the governor's Drug Free Tennessee program for the purposes of this act; organizations exempted from the payment of federal income taxes by the United States Internal Revenue Code (26 U.S.C. §501(c)(3)) whose primary mission is to educate the public on the dangers of illicit drug use or alcohol abuse or to render treatment for alcohol and drug addiction; or organizations that operate drug and alcohol programs for the homeless or indigent.

Rep. Peroulas Draper moved that the House concur in Senate Amendment(s) No(s). 6 to House Bill No. 843, which motion prevailed by the following vote:

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Ayes. . . . . 97  
Noes. . . . . 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2276 -- Criminal Offenses -- Creates Class A misdemeanor offense of intercepting communications between cordless or cellular telephones and Class E felony offense of disseminating intercepted communication to another. Amends TCA, Title 39; Title 47, Ch. 25; Title 65, Ch. 21.**

**Senate Amendment No. 4**

Amend House Bill No. 2276 by designating the existing language of subsection (b) of the amendatory language of SECTION 1, as amended by House Judiciary Committee Amendment No. 3, as subsection (b)(1) and by adding the following new subsection (b)(2):

(2) A person commits an offense who, without the consent of at least one (1) party to a communication, intentionally intercepts and records or disseminates a communication of another by use of an electronic disc or dish designed to intercept and amplify sound waves.

**Senate Amendment No. 5**

Amend House Bill No. 2276 by adding to Section 1(d)(1) between the language "conduct," and "or" the language "technological research,".

**Senate Amendment No. 6**

Amend House Bill No. 2276 by deleting subsection (b) of the amendatory language of SECTION 1 and substituting instead the following:

(b) (1) A person commits an offense who, without the

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consent of at least one (1) party to a communication, intentionally records or disseminates a communication transmitted between two cellular radio telephones, a cellular radio telephone and a landline telephone, or a cordless telephone and a cellular radio telephone.

(2) A person commits an offense who intentionally disseminates a communication transmitted between two cordless telephones or a cordless telephone and a landline telephone.

**Senate Amendment No. 1 to Amendment No. 6**

Amend House Bill No. 2276 by deleting subdivision 2) of subsection (b) of the amendatory language of SECTION 1 and substituting instead the following:

(2) A person commits an offense who intentionally disseminates a communication transmitted between two cordless telephones or a cordless telephone and a landline telephone if such dissemination is not authorized by a court order.

**Senate Amendment No. 8**

Amend House Bill No. 2276 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

**Senate Amendment No. 9**

Amend House Bill No. 2276 by inserting in Section 1(d)(1) between the word "utility" and the word "engaged" the following phrase:

or wireless communications provider

**Senate Amendment No. 11**

AMEND House Bill No. 2276 by inserting in subdivision (g)(1) of the amendatory language of SECTION 1 the words "or other person with judicial purview while in the course of his employment" after the word "officer" and before the word "may".

AND FURTHER AMEND by inserting in subdivisions (2), (3), (4) and (6) of subsection (g) of the amendatory language of SECTION 1 the words "or other authorized person" after the word "officer" wherever it appears and by inserting in subdivision

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(5) of such subsection the words "or other authorized person's" after the word "officer's".

**Senate Amendment No. 12**

Amend House Bill No. 2276 for purposes if this Act the word "party" shall mean only those individuals who participate in a conversation and whose presence as participants is known to all other participants.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 4, 5, 6 as amended, 8, 9 11 and 12 to **House Bill No. 2276**.

Rep. Buck requested that House Bill No. 2276 be moved to the heel of the Message Calendar.

**\*House Bill No. 1644 -- Education --** Authorizes use of not more than five days of accumulated time from longer school days to meet 180 instructional day requirement. Amends TCA 49-6-3004.

**Senate Amendment No. 3**

Amend House Bill No. 1644 in Section 1 change thirteen (13) days to three (3) days.

Rep. Moore moved that the House nonconcur in Senate Amendment(s) No(s). 3 to **House Bill No. 1644**, which motion prevailed.

**MOTION TO RECONSIDER**

Rep. Ritchie moved to lift from the table the motion to reconsider House Bill No. 1888, which motion prevailed.

**\*House Bill No. 1888 -- Alcoholic Beverages --** Prevents private wine collections from being seized as contraband goods when all or part of collection is owned by individuals and housed in private, single family dwellings. Amends TCA 57-9201.

Rep. Ritchie moved to reconsider our action in passing House Bill No. 1888, which motion prevailed.

Rep. Ritchie moved that **House Bill No. 1888** be re-referred to the Finance, Ways and Means Committee, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2284 -- Race Relations --** Requires employers and school systems and other entities to classify native Americans as such rather than non-white, non-black or other. Amends TCA, Title 4, Ch. 34; Title 11, Ch. 6.

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Senate Amendment No. 1

Amend House Bill No. 2284 by deleting in Section 1 of the printed bill the language "or private".

Rep. Ritchie moved that the House nonconcur in Senate Amendment(s) No(s). 1 to House Bill No. 2284, which motion prevailed.

MOTION TO RECONSIDER

Rep. Buck moved to lift from the table the motion to reconsider Senate Bill No. 2693, which motion prevailed.

Senate Bill No. 2693 -- Fees -- Increases drug testing fee in the Tennessee Drug Control Act from \$20.00 to \$30.00. Amends TCA, Titles 8, 12, 29, 38, 40, 49, 53, 57, 67, 70.

Rep. Buck moved to reconsider action in passing Senate Bill No. 2693, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 5. On motion, Amendment No. 5 was withdrawn.

Rep. Buck moved that Senate Bill No. 2693 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

\*Senate Bill No. 2794 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for



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honorably discharged veterans of United States armed forces. Amends TCA, Title 55, Ch. 4.

Rep. Hillis moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 3 to **Senate Bill No. 2794**, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 2276** -- Criminal Offenses -- Creates Class A misdemeanor offense of intercepting communications between cordless or cellular telephones and Class E felony offense of disseminating intercepted communication to another. Amends TCA, Title 39; Title 47, Ch. 25; Title 65, Ch. 21.

Further consideration of House Bill No. 2276, previously considered on today's Calendar.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 4, 5, 6 as amended, 8, 9, 11 and 12 to **House Bill No. 2276**, which motion prevailed by the following vote:

Ayes. . . . .	80
Noes. . . . .	14
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Allen, Callicott, Chiles, Coffey, Haun, Joyce, Kernell, Meyer, Ramsey, Turner (Hamilton), Venable, Westmoreland, Whitson, Williams (Union) -- 14.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

#### SUPPLEMENTAL CALENDAR, CONTINUED

**\*Senate Bill No. 0145** -- Criminal Offenses -- Authorizes T.B.I. to investigate destruction of property by explosives. Amends TCA, Titles 4, 8, 38, 57, 65, 68, 70.

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Further consideration of Senate Bill No. 145, previously considered on today's Calendar.

Rep. Kernell moved that **Senate Bill No. 145** be passed on third and final consideration.

Rep. Severance moved to adopt Amendment No. 2 as follows:

**Amendment No. 2**

Amend Senate Bill No. 145 by adding at the end of Section 1 the following language:

The provisions of this act shall apply only in counties having a population in excess of two hundred fifty thousand (250,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Allen moved to adopt Amendment No. 3 as follows:

**Amendment No. 3**

Amend Senate Bill No. 145 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. (a) The administrator of any insurance plan is prohibited from imposing on any participating health care provider of a preferred provider network established for such plan the requirement that the provider must also be a participating provider in TennCare or the Tennessee Medicaid program.

(b) The department of health shall promulgate necessary rules and regulations in accordance with the Uniform Administrative Procedures Act, Title 4, Chapter 5 to become effective on or before July 1, 1994, to implement the provisions of this section.

Rep. Purcell moved that Senate Bill No. 145 be reset to the Calendar for Thursday, April 21, 1994, which motion prevailed.

**House Bill No. 2355 -- Hospitals and Health Care Facilities --** Allows hospitals to employ physicians and surgeons. Amends TCA, Title 63, Ch. 6; Title 68, Ch. 11.

Further consideration of House Bill No. 2355, previously considered on today's Calendar.

Rep. Purcell moved that House Bill No. 2355 be reset to the Calendar for Thursday, April 21, 1994, which motion prevailed.

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**\*Senate Bill No. 2725** -- Custody and Support -- Permits alimony in futuro to end upon remarriage. Amends TCA 36-5-101.

Further consideration of Senate Bill No. 2725, previously considered on today's Calendar.

Rep. Robinson moved that Senate Bill No. 2725 be reset to the Message Calendar for Thursday, April 21, 1994, which motion prevailed.

#### **UNFINISHED BUSINESS**

##### **SPONSORS ADDED**

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 229:** Rep(s). Rigsby as prime sponsor(s).

**House Resolution No. 242:** Rep(s). Fowlkes as prime sponsor(s).

**House Joint Resolution No. 461:** Rep(s). Johnson as prime sponsor(s).

**House Joint Resolution No. 696:** Rep(s). Wood and Pinion as prime sponsor(s).

**House Joint Resolution No. 720:** Rep(s). Robinson, Haun, Davis, Huskey, Armstrong, Bragg, Kent, Purcell, Head, Severance, Kisber and Speaker Naifeh as prime sponsor(s).

**House Bill No. 829:** Rep(s). Boyer as prime sponsor(s).

**House Bill No. 988:** Rep(s). Cole (Carter), Coffey, Haun, Kent, Whitson, Bittle, and Peroulas Draper as prime sponsor(s).

**House Bill No. 1683:** Rep(s). Bragg, West, and Davis as prime sponsor(s).

**House Bill No. 1761:** Rep(s). Clark as prime sponsor(s).

**House Bill No. 2118:** Rep(s). Mires and Davidson as prime sponsor(s).

**House Bill No. 2144:** Rep(s). Windle as prime sponsor(s).

**House Bill No. 2355:** Rep(s). Herron as prime sponsor(s).

**House Bill No. 2388:** Rep(s). Ridgeway, Cross, Mires, Fisher, Cole (Dyer), Lewis, Jackson, Rigsby, Herron, Givens, Phelan, Rinks, West, Haun, Williams (Union), Johnson, McDaniel and Speaker Naifeh as prime sponsor(s).

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**House Bill No. 2435:** Rep(s). Kisber, Head, Purcell, Ridgeway, and Speaker Naifeh, as prime sponsor(s).

**House Bill No. 2443:** Rep(s). Davidson as prime sponsor(s).

**House Bill No. 2677:** Rep(s). Phelan, Rigsby, Phillips, Cole (Dyer) and Rinks as prime sponsor(s).

**House Bill No. 2767:** Rep(s). Thompson as prime sponsor(s).

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

**House Joint Resolution No. 704:** Rep(s). Severance, Arriola, and Rhinehart.

**COMMUNICATION**

TO: SPEAKER NAIFEH  
FROM: REPRESENTATIVE BRENDA KAYE TURNER  
DATE: APRIL 20, 1994  
RE: REQUEST TO HAVE REMARKS SPREAD UPON THE JOURNAL

On April 7, 1994 I was absent from the House Floor Session. Had I been there, I would have voted as follows on the bills that day. I request to have this spread upon the House Journal.

Consent Calendar - Aye; HJR - Aye; HB 2808 - Aye; HB 2775 - Aye; HB 2772 - Aye; HB 2773 - Aye; HB 2342 - Aye; HB 2339 - Aye; HB 2866 - Aye; HB 2343 - Aye; HB 2340 - Aye; HB 2388 - Aye; HB 2556 - Aye; HB 2500 - Aye; HB 2394 - Aye; HB 2220 - Aye; HB 764 - Aye; HB 2093 - Aye

Thank you for your consideration of this request.

**REPORT OF CHIEF ENGROSSING CLERK  
April 20, 1994**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 192, 691, 952, 1742, 2068, 2134, 2418, 2533, 2537, 2558, 2595, 2801, 2821, 2856, 2903, 2905, 2907, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, and 2919; also, House Joint Resolution(s) No(s). 529, 545, 630, 632, 634, 635, 636, 637, 639, 640, 641, 642, 668, 670, 671, 672, 673, 674, 675, 676, 678, 679, 680, 681, and 682.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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REPORT OF CHIEF ENGROSSING CLERK  
April 20, 1994

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 1313, 1898, 2772, 2879, and 2906; also, House Joint Resolution(s) No(s). 517, 618, 619, 620, 621, 622, 623, 625, 626, 627, 628, 629, 631, 645, 646, 648, 649, 650, 651, 652, 653, 654, 655, 656, 658, 659, 660, 661, 662, 664, and 665.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED  
April 20, 1994

The Speaker signed the following: Senate Joint Resolution(s) No(s). 488.

MESSAGE FROM THE SENATE  
April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2930, 2931, 2932, 2933 and 2934; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2761; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2677 and 2827; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
April 20, 1994

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 592, 593, 594, 595 and 596; all substituted for

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Senate Joint Resolutions on same subject and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 683, 684, 685, 686, 687, 688, 689, 690, 692, 693, 694, 695, 697, 698, 699, 700, 702, 703, 704, 706, 708, 712, 714, 715, 716, 717, 718 and 719; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**HOUSE BILL RETURNED**

The Clerk returned House Bill No. 2361 to the Senate, as requested.

**MESSAGE FROM THE SENATE**

**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 397, 948, 1670, 1997, 2242, 2285 and 2776; substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2182.

The Senate lifted the tabling motion; reconsidered passage of the bill; adopted Senate Amendments Nos. 4, as amended, 5, 8, 10 and 12; then repassed the bill on third and final consideration, as amended.

The Senate took no action on House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint

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Resolution(s) No(s). 173, 427, 508, 514, 554, 561, 562, 582, 624, 638, 667, 669, 720, 725, 726 and 727; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2424.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 2.

The Speaker appointed a Conference Committee composed of Senators Leatherwood, Burks, Henry, Person and Holcomb to confer with a like committee from the House to resolve the differences of the two bodies on Senate Bill No. 2424.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on Thursday, April 21, 1994:

Senate Bill(s) No(s) 2182 and 2424.

**MESSAGE FROM THE SENATE**

**April 20, 1994**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 588, amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**PLACED ON CALENDAR**

The following resolutions, previously held on the desk, were placed on the Regular Calendar for Thursday, April 21, 1994: House Joint Resolution(s) No(s). 705, 709, 710, 711 and 713

**RESOLUTIONS**

The following resolutions were introduced and placed on the Consent Calendar for Thursday, April 21, 1994, pursuant to Rule No. 17, as suspended:

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**House Resolution No. 0243** -- Memorials, Sports -- Coach DeLynn Cline. by \*Williams, Micheal.

**House Resolution No. 0244** -- Memorials, Interns -- Thomas H. Porter. by \*Williams K.

**House Resolution No. 0245** -- Memorials, Sports -- Coach Dennis Cline, Powell Valley High School boys' basketball coach. by \*Williams Micheal.

**House Resolution No. 0246** -- Memorials, Sports -- 1993 Powell Valley High School football team. by \*Williams Micheal.

**House Resolution No. 0247** -- Memorials, Death -- Michael C. Mathis, Memphis firefighter. by \*Jones U, \*Miller, \*Shirley, \*Williams K, \*Joyce, \*Dixon, \*Byrd, \*Turner L, \*Jones R, \*Hassell.

**House Resolution No. 0248** -- Memorials, Death -- William E. Bridges, Memphis firefighter. by \*Miller, \*Jones U, \*Shirley, \*Williams K, \*Dixon, \*Turner L, \*Byrd, \*Jones R, \*Hassell.

**House Joint Resolution No. 0731** -- Memorials, Professional Achievement -- David Welles, Court of Criminal Appeals. by \*Naifeh, \*Purcell, \*Ridgeway, \*Kisber, \*Phelan.

**House Joint Resolution No. 0732** -- Memorials, Public Service -- Gina Coakley. by \*Wix.

**MOTION TO RECESS**

On motion of Rep. Purcell, the House recessed until 8:00 a.m., Thursday, April 21, 1994.